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ONTARIO ADVISORY COMMITTEE ON CONFEDERATION



MEETINGS

held at

The Frost Building, Queen's Park and Westbury Hotel, TORONTO,

on

FRIDAY and SATURDAY,
APRIL 21 & 22, 1967

VERBATIM REPORT OF PROCEEDINGS



ONTARIO ADVISORY COMMITTEE ON CONFEDERATION



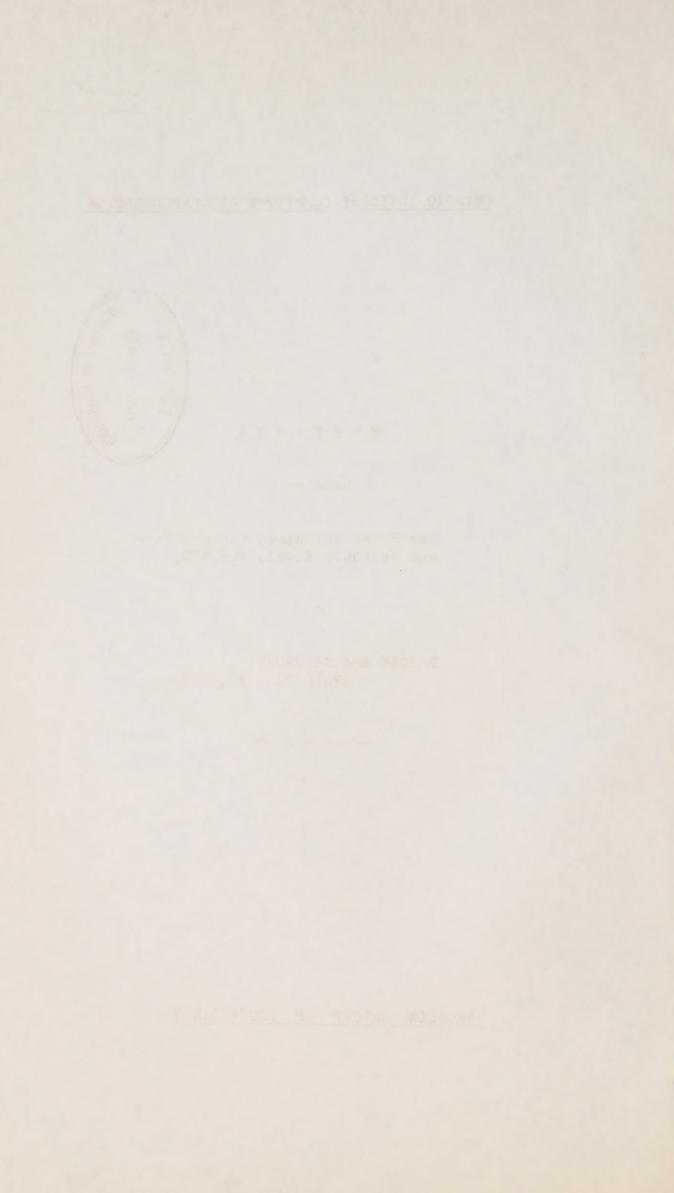
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ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

Meeting held at the Board Room, 6th Floor Frost Building, Toronto, on Friday, April 21,1967

PRESENT:

Mr. I.M.Macdonald (Chairman)

Prof. A. Brady

Prof. J. Conway

Prof. D. G. Creighton

Dean R. M. Dillon

Dr. E. Forsey

Prof. P. W. Fox

Dean W. R. Lederman

Mr. C. R. Magone, Q.C.

Prof. J. Meisel

Prof. E. McWhinney

Mr. J. H. Perry

Mr. R. N. Seguin, Q. C.

Prof. T. Symons

Mr. D. Stevenson

Mr. R. Farrell

Mr. C. Beer

Mr. G. Posen

Mr. P. Venton

UNITARIO ADVISORY COMMITTEES ON COMPEDENTION

Meeting held at the Hoard Adom, 6th Vicor Frost Building, Toronto, on Friday, April 21,1567

PRESENT.

Mr. J.M. Macdonald (Chairman)

Prof. A. Brady

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--- At 9.45 a.m., Friday, April 21, 1967

THE CHAIRMAN: Maybe we can begin,

please. Those who will be absent - Professor

McIvor is busily trying to conclude the work of

the Smith Committee and will not be here for this

two-day meeting; Mr. Gathercole is out of town.

Following our last meeting, I did write to

Father Matte, but I have had no further reply from

that source. I have not heard from Dean Dillon.

I think the rest are accounted for.

I might say a word or two about events since our last meeting, the principal event being the publication of some of the work of the Committee. You have received, I believe, the first volume, and the second volume is before you on the table.

You might be interested in some brief account of the production process, which is rather an interesting exercise, although that is not perhaps the adjective that members of the Federal-Provincial secretariat would choose.

Mr. Stevenson and I met, it would have been, two weeks ago yesterday with the Prime Minster, and he said that he would like very much to get these papers settled and out into the public, and could we possibly have them ready for next week?

So within six days, the editing, the printing and the publishing of the first volume was done and



was tabled in the Legislature last Friday morning at this time.

This, I might say, involved members of our Federal-Provincial affairs secretariat not only with night and day work but with weekend work, and with the printing shop working at about a pace of a 48 hour day, I think, and they were duly produced.

Now today Volume 2 has arrived, and it may be tabled in the House this morning, although it is more likely it will be tabled at the first of the week, along with Volume 3. Volume 3 has a set of tables and charts and various statistical material prepared essentially by the secretariat here. Therefore I would be grateful, and will know definitely later today what has happened, if Volume 2 has not been published in the House, if you would keep it close to your bosom, so to speak. Although I think the Committee is obviously fairly entitled to its own work, I would not want any suggestion that anyone had had it before it was received by the House.

MR. STEVENSON: Volume 3 will be here later during the day.

PROF. McWHINNEY: I have been asked, are they public documents now until they are printed? Are they going to be included in



Hansard in some way?

THE CHAIRMAN: Pardon?

PROF. McWHINNEY: Will you publish the documents now? Various people have asked me to get them copies of this volume 1, for instance.

THE CHAIRMAN: I will ask Mr. Stevenson to say a word about distribution in a minute.

They are public in the sense that they are tabled in the Legislature. Whether they are public or not depends on the type of demand,

I think, we have for copies.

DR. FORSEY: But once the thing is tabled, it ceases to be confidential.

DEAN LEDERMAN: Yes, it is a public document.

THE CHAIRMAN: Surely.

MR. McWHINNEY: So I cannot say to University libraries that they write to you.?

THE CHAIRMAN: This is the point I will come to in a moment. The question then was the number of copies to make and the form and type of distribution.

As you can imagine, many requests have come in and we are presently setting up procedure for dealing with these requests probably, I dare say, going to be in the thousands before we are through, depending on the rate, as a result of



the rate at which they are coming into the Prime Minister and to me.

Our intention is to make these available in a more permanent form over the summer. We would like to take them all together and put them in one hard-cover volume, and that hard cover volume the Prime Minister would like to have for distribution to university libraries and for permanent storage, so to speak.

PROF. CREIGHTON: I like the phrase "permanent storage", that is lovely.

DR. FORSEY: Deep-freeze.

THE CHAIRMAN: I avoided any word involving temperature advisedly. I will ask Mr. Stevenson when he returns to say something about the plans for making copies available to you. At the first run we had 200 copies done, which are really just sufficient for the Legislature, the Committee and the press. Another run of 300 is under way. There will be a run of 500 of this kind, and then we will be faced with the problem, as I say, because of mounting demand, whether to continue to print extra copies of this style, or go on and put it into a proper edition and then consider whether we should attach a price tag as well.

As soon as there has been a decent interval for members of the Legislature to read



and digest this work, the debate will take place in the House on the Confederation of Tomorrow Conference on the resolution. It appeared that the debate might take place next week, but I think it may be a little later than that now.

PROF. CREIGHTON: They certainly won't have a chance to read the papers, will they,

Mr. Chairman?

THE CHAIRMAN: Probably.

PROF. CREIGHTON: That won't prevent them from passing opinions on it in the same way that they did about the Carter report.

DEAN LEDERMAN: They asked to know what the Committee is doing.

PROF. CREIGHTON: Surely their protests are stifled now with this vast mass of material.

THE CHAIRMAN: Were there any other observations, questions you had on the report?

PROF. SYMONS: Mr. Chairman, I would like to make two points if I may. First of all, I think that the actual report, as it has been prepared, is a very fine job of production, really remarkably fine under the difficult conditions and limited time that was available. I think we should contratulate the people in your secretariat and also those who did its actual preparation on the standard of production that they have achieved. It is extraordinary that



they were able to accomplish what they did in that time.

The second point, Mr. Chairman, is that there has been such an interested reaction that I wonder whether interest is not even greater than we now suspect, and that there might be a need for something more than a limited stencil — or I am not sure what the technical mame for this process is.

PROF. McWHINNEY: Multilith.

PROF. SYMONS: Multilith preparation of these selected papers. I wonder if we couldn't watch the demand pretty closely in the next few weeks and, if it seems indicated, it might be desirable to consider a commercial publication of the selected papers. I don't know whether that is possible, of papers that have been prepared for a government Committee, but one publisher whom I happen to know has already enquired of me (and I will be reporting it to you, sir) whether or not it might be possible to obtain permission, with whatever royalty arrangements are proper with the Government, to do a publication for sale. The firm had had such a number of enquiries that I felt I should leave that to you.

THE CHAIRMAN: Thank you very much.

As I say, normally one would have tried to



anticipate the problems in such a production, but as I mentioned, with six days elapsing between the final instruction and the appearance of Volume 1, we have very little opportunity to formulate a set of procedures for distribution.

I think, as I say, we were definitely intending to proceed with this hard-cover volume. The question, as you say, is then publishing procedure and policy of pricing. Do you want to add anything?

MR. STEVENSON: I am sorry, I was out for a minute because there are officials who are just arriving.

You may have already said it. We are now having 500 of this first run done here. We just had 200 run off to make the deadline for last week, but in addition the 300 are being run, and we now have all the additional copies of Volume 1. We will have by Monday the additional copies of 2 and 3, but today we just have the bare minimum to suit the Legislature and the Committee and the Press Gallery.

PROF. McWHINNEY: Why are you getting the extra ones? In a way there is already a decision involved in what Tom mentioned. In other words, if you are going to give these to non-Legislative members, for example, to university library supervisors, I suppose that would tend

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to exclude any decision on hard-cover or commercial publication.

MR. STEVENSON: There is, I think, a great demand right at the outset not only from people asking for copies, but also a great deal for distribution to people that the Prime Minister or perhaps we feel here it should be sent to immediately, so that we did need this extra number. We would like, for instance, to have the relevant people in all the other governments in Canada supplied with copies now.

PROF. McWHINNEY: Yes.

MR. STEVENSON: The Prime Minister certainly wants to make sure there is at least an initial distribution around the dailies in this province and outside the province. Just with the minimum number, the worthwhile requests from people whom I think we all feel should have it very quickly, we can see most of that 500 disappearing.

DR. FORSEY: The Parliamentary library asked me, I think one Dominion department and the library of the University of Ottawa. I said: "You had better address yourself to the Government of Ontario".

PROF. McWHINNEY: They did ask me for ten copies for the library. I have had about 30 other requests. I said I thought it was



going to be published.

MR. STEVENSON: We are filling as long as this supply lasts, we comply with one copy to reasonable requests right now. I do not think we can reasonably answer requests for five copies or ten. We will just tell these people to wait until the hard-cover edition is out and there may be a price on it.

I know Mr. Robarts said both in the Legislature and to us that he would like to see the hard-cover edition given very wide distribution.

PROF. McWHINNEY: It might be a different edition, of course. You might include some other papers.

THE CHAIRMAN: We would like to include the Watts paper if it is ready.

MR. STEVENSON: Which brings up the question of whether there would be a Volume 4 in this version.

PROF. McWHINNEY: Or one comprehensive.

MR. STEVENSON: Before the one comprehensive coming out.

PROF. BRADY: Distribution to libraries, of course, would be better with the hard cover.

MR. STEVENSON: Yes.

--- Dean Dillon took his place at this point.



PROF. McWHINNEY: Can I ask a second question. It concerns Eugene a bit. The CBC rang me and asked me, said they had spoken to Eugene: "Would I debate with Eugene in French on this report?" Then they called again and said: Would I debate with Trudeau in English, and they told me he had agreed to debate it. I said: "I am going out of town and have to have this under consideration". I take it you might be unhappy about any member debating the report as such, would you not, Mr. Chairman?

THE CHAIRMAN: May I quote from the Prime Minister? "The members of the Advisory Committee hold a variety of opinions about these problems, and it was only on the condition that they would remain free to express these views publicly as individuals that they agreed to join the Committee".

PROF. MEISEL: Mr. Chairman, I don't know whether this is the point at which one ought to discuss the long term publishing plans of the Committee, but I am still very distressed about this whole development. I think our work is in danger of being weakened by this publication, and I am particularly concerned about the prospect now of planning hard-bound permanent "cold storage" type of volumes which will enshrine in more permanent form papers that were probably



written originally as a basis for discussion rather than something that commits anyone, even the author, to a very permanent position.

I think I would like to join those who have congratulated the staff here on the excellent job they did on this. I think they did too good a job. This already looks to me too flighty and permanent for what perhaps we ought to be doing.

I do not want to discuss this on the quality of the papers. I think in the first volume certainly these are all so excellent, but I think the people who wrote these probably were simply preparing in some cases something for us to discuss. If we are going to enter a publications policy of this kind, in the future when we are supposed to prepare something, we will ask ourselves: "Is this going to serve as a useful basis for discussion, or is my reputation in posterity going to be enhanced by this brilliant work that I am now planning, which will then be published and distributed in leather-bound copies to various libraries?" In other words, I think the focus is changing of what we are doing here, and this may be an exceedingly good idea but I think we ought to be aware of what is happening.

THE CHAIRMAN: If you will forgive me,



John, I don't want to discontinue this
conversation, and I think indeed we should continue
it and several other matters germane to the
Committee, but I am aware that there are four
quite senior members of the government here to
meet with us at ten o'clock, and I think perhaps
we should proceed to that. Later in the day
I would like to return to this, if I may, because
I think we do have to consider where we are going.
There are several matters before the Committee,
such as the proposed meeting with the Federal
officials in Kingston and several other matters,
but we can attend to them as we will.

I will also say something about the procedure for the next two days. May I just make one comment on procedure. We would like to have lunch today at one o'clock rather than 12.30 and Mr. Stevenson and I have to meet for lunch with Mr. Robarts at that time, so I thought we might reconvene at 2.30 for our afternoon session today.

MR. MAGONE: Mr. Chairman, arising out of the last meeting, I wasn't here as you know, but I have a copy of those proceedings and it mentions that Mr. Posen saw some members of the Attorney General's department and other departments of the Government, and on reading it I must say that he must have misunderstood what



was said by some of them. For instance:

"In the Department of the Attorney

"General particularly we were speaking

"with one of the Assistant Deputy

"Attorneys General " --

I think it was Mr. Al Russell, who is Inspector of Legal Offices --

"and he mentioned that the practice

"in eastern and northern Ontario is to

"appoint bilingual magistrates, court

"clerks and other court officials.

"There also exist a good number of

"bilingual County Court judges. So

"that in many cases these trials do go

"on in French."

That is simply not so. Whether Mr. Russell said it, or whether Mr. Posen misunderstood him, I don't know, but I think probably Mr. Posen must have misunderstood him.

"-- with translators being provided "when necessary."

whatever that means. I don't know. If it is conducted in French, does it mean English translators?

"In cases where appeals are necessary,

"the transcripts must be provided in

"English for the higher courts here in

"Toronto."

That is never done and never has been done and



never will be done, because it is quite impossible for any Court of Appeal to dispose of a case on a translation of a trial conducted in French, and I think every person here would agree with that. However, I understand that Mr. Dick will be here and we will deal with these matters at that time.

THE CHAIRMAN: Thank you very much. I will make a note of this point and we will deal with it.

We have invited four members from the senior administration to meet with us this morning on the subject of bilingual districts, and I would like first to introduce Mr. Palmer, who is on my right, the Deputy Minister of Municipal Affairs. I think most of the Committee know Mr. Rathe, who is in charge of the cultural and education exchange programme for the Department of Education. We are awaiting Mr. Dick, the Deputy Attorney General, and Dr. McCarthy, Deputy Minister of Education.

I think both of these gentlemen have

met, as Mr. Rathe has, most of the members of

the Committee, so that if I might just go around

the table for your benefit, Bill, on my right is

Dean Dillon, Dean of Engineering at the

University of Western Ontario; Professor Conway

of York University; Professor Symons, the



President of Trent University; Mr. Roget Seguin,
Barrister, Ottawa; Professor McWhinney of
the McGill University; Professor Brady,
University of Toronto; Professor Paul Fox of
the University of Toronto; then Mr. Harvey
Perry, the Executive Director of the Canadian
Bankers Association and member of the Carter
Commission; then Professor Creighton, University
of Toronto; Dr. Eugene Forsey of the Canadian
Labour Congress; Professor Lederman, Dean of
the Faculty of Law, Queen's University; Mr.
Magone whom you probably know as former Deputy
Attorney General; Professor Meisel.

If I might just say a word about the background of what we have been doing, perhaps the best source I can find offhand is the introduction to the first volume of our proceedings. In describing the recent work of the Committee, this was in reference to what we called the cultural sub-committee, we have said there:

"The sub-committee has also done
"considerable work on the important
"question of French language education
"in Ontario both for English speaking
"and French speaking students. It
"has also discussed the use of French

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"in Ontario in other activities such

"as the judicial system, local

"government and departments and agencies

"of the Ontario Government, including

"the possibility of creating bilingual

"districts within Ontario."

We have had quite a bit of discussion on that in the Committee and a number of reference papers prepared, and tomorrow morning we are to meet with Mr. Robarts to report to him some of the preliminary views on this question, and to discuss other matters arising from it.

We naturally felt that as a Committee essentially drawn from outside the Government, the first step we should take would be to have discussions with people such as yourselves, and to have the benefit of your own practical experience in these realms.

I am going to ask Mr. Stevenson and the staff of the Federal-Provincial Affairs secretariat to lead us through the discussion, because I suspect in all candour that they are rather more familiar with some of the contents than I. Don.

MR. STEVENSON: Mr. Chairman, I am a little rusty on the immediate documents which have been prepared, but I think the one we might address ourselves to this morning is the one



entitled "Bilingual Districts". It is a short one of three pages and it consists of a number of questions that we might go through one at a time. The first four are general questions, and then follow two sections on the individual aspects of what bilingual districts might entail.

As long as Messrs. McCarthy and Dick are not here, I might be wise to start immediately with the question of Municipal Affairs, although perhaps one could deal very briefly with the general question of why we have got this far.

THE CHAIRMAN: I think as long as

Mr. Palmer is here, we will try and get into his

realm as quickly as possible. I am sure he

has other things to do. Perhaps we could have

a brief introductory account of the scope of

the issue.

MR. STEVENSON: We have sent, Mr. Chairman, I think, to Mr. Palmer and the other civil servants who will be here, copies of the paper which was discussed at the last meeting entitled "Thoughts for a position paper on the question of bilingual districts", and in here I think the nature of the main arguments which led up to where we are, are outlined.

I think we will certainly be faced later during the year with some recommendations



from the Royal Commission on Bilingualism and Biculturalism, which may favour some sort of bilingual district.

It came in this Committee, Mr. Palmer,

I think largely after the question of official

bilingualism in Ontario at the Legislature level

and as one of the official languages of the

province, was discussed last year, and then for

the time being put aside.

I think the Committee felt in its last two months of discussion that it might be much more profitable to consider the problems involved in those parts of Ontario where you have high proportions of French speaking residents, and for the purposes of this paper we have prepared a number of tables which I think you may already have seen.

MR. PALMER: Yes.

MR. STEVENSON: The breakdown of municipalities, counties and districts by mother tongue, and if one were to take the breaking point of 15 or 20 per cent of the population at least having French as a mother tongue, then we would be considering a territory for bilingual districts involving substantial parts of both eastern and northeastern Ontario; specifically the districts of Cochrane, Temiskaming, Nipissing and Subdury in northeastern Ontario, and



the counties of Carleton, Russell, Prescott,
Glengarry, Stormont (I think thatdoes it) in
eastern Ontario.

In these counties you have percentages of French-speaking population from 22 or 23 per cent in Carleton right up to 80 or 90 in Prescott and Russell.

I think there was a general feeling, although it was not shared by all members of the Committee, that there is considerable hardship in the present system in Ontario whereby you have ---

MR. MAGONE: I do not think you should express the views of the Committee or attempt to, Mr. Stevenson.— The Committee has not come to any conclusion on this question, and the first assumption of this paper is a very large assumption indeed.

MR. STEVENSON: Well at least at the last two meetings these questions have been discussed and there has been some opinion expressed that a way of dealing with the problems of the Franco-Ontarian community, particularly in those areas where they form a high proportion of the population, would be through making use of French officially and legally in municipal affairs, in the courts and in practice through department and agency administration by various agencies of Ontario.



Now, I don't know whether one needs
much more in the way of introduction, but one
might proceed directly into the question of
municipal affairs. Here we have attempted
to find out what the practice is in the Province
of Quebec and the Province of New Brunswick,
through letters to appropriate counterparts;
and have also, through the good offices of
Mr. Palmer and his department, attempted to
find out something of the practice in certain
Ontario municipalities where there are high
proportions of French speaking people.

You had in the documents sent to you earlier this week, copies of correspondence between the Department of Municipal Affairs and the Town Clerk of Eastview, Timmins and the Townships of Neelor and Garson outside of Subdury. We want to remind you that these communications were very much internal confidential ones between the Department and individuals in those communities who were expressing their own individual opinions and do not necessarily represent the official opinion of the City or Town administrations.

I think you may find the answers quite revealing as to three representative, I think, communities in Ontario - Eastview with an overwhelming proportion of French speaking residents,



Timmins with close to an even split, and Neelor and Garson with a large but minority French-speaking population.

I think the letter which was contained in the documents from Claude Monet of the Intergovernmental Relations Department of Quebec does not say too much about municipal districts in Quebec, although we hope through direct contact with them in Quebec later on to develop a good bit more specific knowledge of practices in different parts of the province.

You also had sent to you, I think, a copy of tables showing the percentage of English and French-speaking by mother tongue, by county, in Quebec, to give you an idea of comparable areas in Quebec to Ontario, and we intend specifically to concentrate on those areas of Quebec where you have the same kind of problems which you have in Ontario.

With that, perhaps we might look at the specific questions relating to local administration.

Under Item 6 on page 1 of the paper entitled
"Bilingual Districts" the break-out is under
personnel, council meetings and municipal services.

MR. PALMER: I don't know whether I have ever received one of those, Don.

MR. STEVENSON: I am sorry. Here is one right here. Perhaps members of the Committee



PROF. BRADY: Mr. Chairman, I would like to hear what Mr. Palmer has to say with respect to that 6(a) Personnel, the personnel problem. Are there bilingual personnel available to serve in the Franco-Ontarian populations. Is there any way of answering that, Mr. Palmer?

MR. PALMER: No, I have not, not with any authority. I would expect that in the municipality which has a fairly high percentage of Prench-speaking population, they could probably meet the requirement locally.

Another problem, of course, which would arise from that is having French-speaking people in the public service of ONtario to negotiate with these people in this field.

PROF. FOX: I have just a general question that really arises re the questionnaires that we sent out, which were under cover of the letter from Mr. Bozzer of the Department of Municipal Affairs. As far as I can see, the questions about the use of French language were

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sent only to Timmins, Eastview, Neelor and Garson, is that correct?

MR. STEVENSON: Yes, that is correct, Professor Fox.

PROF. FOX: I have no criticism of this, I just wonder why we selected those three.

Are they particularly representative of the problem by area, by percentage of population?

MR. STEVENSON: Yes, this was done in discussion between Messrs. Posen and Beer who were over in Municipal Affairs discussing that with their Director of Research and Mr. Palmer's executive assistant.

I think the idea was to pick one centre where you had an overwhelming proportion of French-speaking citizens (this being Eastview), another one where the balance was just about even, and a third one where - I forget what is the proportion in Neelor and Garson, Gary, about 25 to 30 per cent, something like that. So that although one could not be sure these are representative, I think the feeling of Messrs. Bozzer and Clasky was that if you were taking three they would probably be three of the most logical in the province.

PROF. FOX: I was looking at the figures in your compilation of figures and I think Eastview has a percentage of Franco-Ontarians of 61 per cent by mother tongue and Timmins has



40 per cent approximately by mother tongue, and I notice that there is a very real difference in the extent of the use of the French language in replies to the questionnaire - in fact really the two ends of the spectrum almost; that French is apparently used very little in Timmins, and it is used almost completely in proceedings of Eastview.

I thought it might be interesting to hear from you if you had any explanation of why this was. Is there a concentration of people or is it tradition or what?

MR. PALMER: I have no concrete fact on which to base this, but I would expect that it is something to do with the geographical location. Timmins is much further removed from the Province of Quebec where the French tongue is used to a very great extent, than is Eastview which is just across the river and there is frequent travel back and forth, and communication between people on both sides of the river.

I suspect it is geographical location.

MR. POSEN: Mr. Chairman, also I think Eastview at one time was almost wholly French, and English-speaking people have moved in.

PROF. FOX: In other words, there is probably a factor of tradition here that has something to do with the situation.



MR. RATHE: Mr. Chairman, may it not be something to do with social class? It seems to me you have a much higher percentage of less educated people in the Timmins area than you would have in Eastview Whereyou must have a much larger middle class.

PROF. FOX: Might be, I don't know.

PROF. CREIGHTON: Could I ask Mr.

Palmer a question, Mr. Chairman? I think we tend to assume, or at least these papers tend to assume that the words "requirement" or "need" is to be justified simply on the basis of the concentration of population with French mother tongue in that particular area; but it is quite evident from these statistics that this is not the case, and that areas with a fairly high percentage of population of French mother tongue do not necessarily demand or pursue a bilingual policy to the extent that Eastview does, and various questions so far have in a sense, I think, tried to seek answers to this apparent discrepancy.

I wonder whether we are not assuming that population concentration necessarily means requirement or need. Surely the thing that we ought to be enquiring into is whether there is in facf a demand. I assume that there are various areas of this province where there may be a large concentration of French-speaking population and there is not any considerable demand



at all.

MR. PALMER: I think Timmins probably would support that statement.

PROF. CREIGHTON: In other words, it is false to assume because of a large concentration, that it follows that a requirement is there for the language?

MR. PALMER: Yes. As I recall, it is better than 40 per cent of French-speaking in Timmins, and yet there is very little demand for the use of French, that is, in local government. We have the Timmins return here.

PROF. CREIGHTON: There is almost a blanket "no" to every one of your enquiries there.

MR. PALMER: That is true.

PROF. MEISEL: This raises an exceedingly important point, and it underlines the need to discuss the first item in the agenda before we do anything else. It is perhaps unfortunate that we have not settled the first part, namely: assuming that the problems can be mastered, does the Committee favour in principle bilingual districts?

I think what is involved here is a basic approach to the position of French-speaking Ontarians. I think that Professor Creighton's last comments suggest that he is inclined to view the problem as one of looking to the kind of



articulate requirements of the French-speaking minority: if they would like to have certain things done, then the rest of the province presumably would prepare to meet those things, if it can be done, for other reasons.

I view this in a sense almost like the franchise; that I think French-speaking Ontarians are entitled to certain kinds of arrangements, whether they are aware they shouldhave them or not; just as a person who may not be bothered by the fact that he is disenfranchised should in fact be guaranteed the franchise whether he is awake to the fact or not.

These are two different approaches, and I think the Committee ought to reach some sort of decision on which of these two it wants to adopt, or we will be wasting a good deal of time.

PROF. CREIGHTON: Mr. Palmer, I don't think you or Mr. Rathe were present at the last meeting of the Committee. There it was decided, before this question I put was determined we should find what the advantages and disadvantages were in the extension of this principle or the application of this principle of bilingual districts.

PROF. MEISEL: Then the question of need, I think, is perhaps not as central as it



would otherwise be.

PROF. CREIGHTON: Surely it is central.

I mean, there are advantages and disadvantages,
there are benefits and disadvantages. These
must be faced and examined. That is precisely
why these experts have kindly consented to come
here and tell us their experience.

DR. FORSEY: One point occurs to mind that has not been raised as far as I know, and it may explain why there is not the demand in some places.

A friend of mine has been recently analyzing census returns of population by mother tongue by age groups, and he has found a good deal of evidence that in quite a number of cases in places, shall we say, on the fringe of bilingual areas, a good deal of evidence that a fairly substantial number of young adults of French-Canadian speech and origin, appear to be bringing up their children with English as their mother tongue.

There was a very marked variation in the mother tongue by people of age groups. You get down to the younger age groups and you find sometimes there seems to be very little correspondence between the mother tongue of these age groups and for the 'older age groups.

His conclusion is that in some cases
French is fading out there. If this is true,



you would get rather less demand from areas where this is true for services in French than some other areas. It seems to me it is a fact that might be looked into possibly.

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PROF. BRADY: Does he explain this?

Does he treat different areas of the province in this survey?

DR. FORSEY: Point by point, so to speak, he has gone over it rather carefully. Incidentally, he is a bilingual Irish Canadian with French Canadian wife, and he has arrived at the conclusion that outside an area which he said extends to Sault Ste Marie on the west and to Moncton on the east, there is not very much chance of a substantial survival of French language. Within that area, yes, but probably outside not very much.

Then he examined the various areas and these smaller districts within this large area one by one, and state that in some of them the situation varies markedly from the situation in others, because of this differentiation between age groups. There are certain places where very little children are brought up to speak French, and others where they are not.

PROF. CREIGHTON: May I ask Mr. Palmer

a further question or two? In the particular

case of Eastview where it is evident that the use

of French is much more solid than it is in Timmins,



has there been any request for a further extension of the use of French that you know of?

Then, if Eastview were in fact declared officially a bilingual district, would there be any considerable change, in your mind, in the operations there as the result of that?

MR. PALMER: As far as I am aware, there has been no formal request for any further extension of the use of French.

As I understand it now, the Council meetings are conducted in the French language; the minutes are reported in English.

If Eastview were to use the French tongue in all their Council proceedings and municipal administration, there would undoubtedly be problems in connection with the administration of justice, but we are not considering that at the moment.

PROF. CREIGHTON: No.

MR. PALMER: We would have to have bilingual administrators in the district, there is no doubt about that, that is from the provincial point of view.

PROF. CREIGHTON: You would eventually also have to have an English translation of the minutes available here, would you not?

MR. PALMER: Yes, eventually, although we do not have the minutes of Council meetings recorded in the Department at the present time;



though there are documents that have to be returned to us and we would have to have those translated, yes.

MR. STEVENSON: Which documents would they be, this is one question that interests us?

MR. PALMER: Various returns which are required of the municipalities, statistical returns. There are certain by-laws which require approval of the Department before they can become effective. There are approvals which are required of the Ontario Municipal Board, which would also presumably have to be translated into English. The hearings of the Ontario Municipal Board in Eastview presumably would have to be conducted in French and we would have to have a bilingual member of the Ontario Municipal Board also.

MR. MAGONE: I was going to ask you, are the by-laws enacted in French in Eastview, do you know?

MR. SEGUIN: No.

MR. PALMER: No, they are in English.

MR. SEGUIN: Everything is done in French language-wise, talking, but everything is done in English in writing.

DEAN LEDERMAN: Records.

PROF. CREIGHTON: If if were made a bilingual district then, the principal result would have to be that every document at present



in English would have to be translated into French, is that so?

MR. PALMER: Yes, if it is to be completely bilingual, obviously it would have to be re-translated from English back into French, because at the present time it is translated from French into English.

PROF. CREIGHTON: But all paper work at present-is English?

MR. PALMER: That is correct, formal records.

PROF. CREIGHTON: Therefore they would have to go to the expense of doing it all over again in French. That would be the principal result of declaring it a bilingual district.

MR. SEGUIN: Can I add something?

IN Eastview you said there has never been any request. There has never been any request from the Council to Toronto, but there have been requests from many French-speaking organizations in Eastview and around Eastview and provincial organizations. Mostly what is wanted in Eastview is that the Notice of Assessment, the tax bill be bilingual.

MR. PALMER: They may do that now.

MR. SEGUIN: No, they don't, I know, because I do quite a bit of real estate there.

That is the only thing actually that some people



do not understand.

MR. PALMER: They are permitted to do it.

DR. FORSEY: Why don't they do it?

MR. SEGUIN: A lot of people are afraid of these permissions. We have asked permission some times about stop signs and we write to Toronto and get this permission, I know, but it is permission by a letter and if the departmental people change it could be withdrawn.

DR. FORSEY: I thought "permission" meant that the Council can do the thing itself.

Do they have to get your ratification then?

MR. PALMER: I cannot speak with authority on traffic signs, butinsofar as their tax demands and assessment notices are concerned, they need no approval from us to print those in French and English, but it would have to be both.

THE CHAIRMAN: The question is, why don't they?

MR. SEGUIN: I know they had some correspondence some years ago (not lately) with the Department of Municipal Affairs, and the answer was "No". I suppose hobody has tried since.

MR. MAGONE: They had better write again.

MR. PALMER: I qualified my answer by saying in my experience there had been no formal request.



MR. SEGUIN: Not lately there hasn't been, for four or five years.

MR. PALMER: Four or five years?

I don't recall anything in the last twenty years.

MR. SEGUIN: It may be seven or eight years.

MR. PALMER: If this was in French exclusively the answer would be "No".

MR. SEGUIN: Yes. I don't think they have ever asked for French exclusively. They couldn't because there were lots of ratepayers who were English.

MR. PERRY: Mr. Palmer says they may.

Is this because some law says they may?

THE CHAIRMAN: This is what I wondered now.

MR. PALMER: No.

MR. PERRY: Because the Department issue a letter?

MR. SEGUIN: It is a tolerance.

MR. PALMER: There is nothing we know of that would prevent it.

THE CHAIRMAN: Why would the Council consider it could not?

MR. SEGUIN: I don't know. I would like to have an opinion on that from Mr. Magone. Are they permitted to use French on an assessment notice or tax bill in this province?

MR. MAGONE: I would say if there is



nothing in the Municipal Act which says the assessment shall be in English - there is insofar as the administration of justice is concerned but there is not in the Municipal Act.

MR. SEGUIN: But there is only one language authorized in this province.

DR. FORSEY: Surely it is a general principle of common law that if the thing is not forbidden, you can do it?

MR. MAGONE: I would think so.

MR. SEGUIN: Well, it is forbidden. The English language is the official language in this province.

PROF. McWHINNEY: Your only

limitation would be your natural justice

limitation. If it was subordinate law-making
authority, it could be argued on lack of clear
indication of whatever the rule of justice was,
denial of natural justice, ultra vires. I don't
see why it should be made an approach to the

Department of Municipal Affairs. Is it not a
privilege which it has?

MR. SEGUIN: Is it a tolerance or a privilege? What I want to know is, can it be done legally? Legally, I don't think so.

MR. PERRY: Let us try. That is the way you usually find out.

DR. FORSEY: From what we have heard and what I have always understood to be the



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common law principle, it appears to me that if Eastview wants to issue assessment notices in both languages, there is nothing to stop it.

PROF. McWHINNEY: What if it issues it in one?

MR. SEGUIN: Suppose it goes to the Supreme Court of Canada on an English-speaking ratepayer receiving a notice in French and English, what would the Court do?

DEAN LEDERMAN: In other words, this might be the basis for action for arrears of taxes?

MR. PERRY: Perhaps start in less contentious areas. Is there something like a municipal holiday that you could start out with? Was it the difference between mere permission and privilege?

PROF. McWHINNEY: Privilege and a right.

MR. PERRY: This is a dangerous area.

PROF. McWHINNEY: Distinction between
a privilege and a right is quite clear.

DEAN LEDERMAN: I should think the bilingual notice is safe in all circumstances.

If you had to have English, it is there; and as far as natural justice is concerned, this notice going to a French-speaking person, French is there.

PROF. FOX: Supposing there was a



discrepancy in the translation, you had resold it, and it was a privilege and not a right.

DEAN LEDERMAN: This is the difference between having a pair of official languages and one official language. As far as the Statutes of Canada or Quebec are concerned, both versions are there. If there is an ambiguity, the clearer version would be used in aid of the more ambiguous version.

PROF. McWHINNEY: The more permissive, the one less infringing the rights of the subject, is the normal method of stating it.

DEAN LEDERMAN: It depends what it is.

PROF. McWHINNEY: Your important issue surely is going beyond this. One issues a bilingual notice, but if the municipal authority wanted to use a unilingual document for assessment ---

DEAN LEDERMAN: This would not do in present circumstances, I wouldn't think.

PROF. McWHINNEY: It would be risky.

DEAN LEDERMAN: This is not what is being said.

PROF. McWHINNEY: One could not be categorical, but I agree it is risky.

PROF. FOX: Could I approach this problem from a slightly different angle, Mr.

Palmer, and ask, with this degree of using of French in Eastview, have there been any problems



created for your Department?

MR. PALMER: No, there have been no problems. Some years ago there was an administrative problem, if I can put it that way, in Eastview as the result of which the senior administrative officer was changed and they brought in a man from Kapuskasing. I think his mother tongue was English, but he was bilingual and he acted as Clerk of the municipality. The Department was quite involved at that time in straightening out the administrative matters, and with the help of the bilingual Clerk, of course, we had no difficulty at all. Had the Clerk not been bilingual, we would have had problems, there is no doubt about that.

DR. FORSEY: You mentioned the problem of hearings of the Ontario Municipal Board and the necessity of having members of the Ontario Municipal Board bilingual. I wonder if it would be necessary. How many are there?

MR. PALMER: There are about twelve.

DR. FORSEY: Surely it would not be necessary to have them all. I have appeared before the Ontario Municipal Board twice in Ottawa, and there was only one person sitting as far as I can recall.

MR. PALMER: In certain circumstances one member may sit and hear evidence, but the decision has to be made by at least two members



of the Board and agreed to at least by a vice-Chairman.

DR. FORSEY: You wouldn't need the whole twelve.

MR. PALMER: No, I cannot imagine that happening. What you are suggesting is a certain section of the Municipal Board can be bilingual in order to deal with the matters in this area?

DR. FORSEY: This is what occurred to me. I might say this particular gentleman was hardly lingual at all; he hardly opened his mouth, and was one of the most taciturn bodies I have ever seen.

MR. PALMER: He was obviously listening to the evidence.

PROF. CREIGHTON: Which is his function after all.

DR. FORSEY: Rather hard to get rulings out of him though.

MR. STEVENSON: Mr. Chairman, just

back to the question of what actually is the

practice, the return which was filled in by

the Eastview Town Clerk that we have here, does

say that all of the following -- notice of

assessment, tax bill, auditors' report, notice

other by-laws

of tender, advertising of moneylanding, street

and information signs, are in the French language.

MR. SEGUIN: That is right. Annual tax certificate does not show French now -- bilingual.



The rest of it is all --

THE CHAIRMAN: Perhaps as Mr. Lesage said once at a Dominion-Provincial conference, the dollars are the same in both languages.

MR. PERRY: Did they answer the questions there in English or in French?

MR. STEVENSON: English.

PROF. CREIGHTON: May I ask Mr. Palmer if there is any other municipality that he knows of that approaches Eastview in the extent of the use of French?

MR. SEGUIN: Hawkesbury would.

MR. PALMER: Hawkesbury, I believe.

MR. SEGUIN: Cornwall.

MR. PALMER: There are a number of townships in the Ottawa Valley which are predominantly French-speaking.

PROF. CREIGHTON: Would Cornwall also?

MR. SEGUIN: Not on the large scale

like Eastview or Ottawa.

MR. PALMER: Before Cornwall annexed part of Cornwall Township, Cornwall was predominantly ---

DR. FORSEY: Cornwall City is about 50/50, I understand.

MR. SEGUIN: About that now.

MR. PERRY: Would it be fair to ask

Mr. Palmer what evidence he has seen or heard of
interest in bilingualism in either Eastview or

Hawkesbury? This is not quite a fair question



to put to a civil servant, but I just wondered whether apart from these specific sort of points we are raising now, you can make any general observations yourself?

MR. PALMER: I haven't been very close to the municipalities for some years. I supervised municipalities in default in the Ottawa Valley area about 15 years ago, and I found myself at a disadvantage, in that the Council meetings were conducted in French for the most part, and in the municipality under supervision, of course, I was keenly interested in what was going on in the Council meetings, and I was having some difficulty.

PROF. CREIGHTON: Mr. Palmer, would the return from Cornwall, if it was addressed to them, our questionnaire, be very much the same as the return from EastView, in your opinion, or would it be more like that of Timmins?

MR. PALMER: I think it would be more like Timmins, yes.

MR. STEVENSON: Would that hold for any municipality that you have visited in northeastern Ontario, say, a town like Sturgeon Falls, in their proportion of French-speaking?

MR. SEGUIN: Yes, it would be more like Timmins.

MR. PALMER: I expect it would be, yes, although French is spoken to quite an extent in



Sturgeon Falls.

DR. FORSEY: I should have thought one way of surmounting the difficulty, or the double difficulty, raised by Professor Creighton and Professor Meisel, might be to make the provision for bilingual districts which would come into effect in any district when there was, say, a petition for it, or something of that sort. I can imagine you might get an area with a considerable proportion of people of French mother tongue who nevertheless were pretty well thoroughly bilingual, a relatively small and relatively poor place that was not anxious to go to the extra expense. It seems a pity if you have an area where the people do not really want the thing if you say: "You have got to have it whether or not you like it". If you had some provision for a bilingual district where the thing would come into effect where they were showing a desire for it, it seems to me you might get around the difficulty of the question of principle which disturbed Professor Meisel so much, and at the same time get around the difficulty that Professor Creighton was raising.

PROF. CREIGHTON: That is why I stressed the old question of practices. It seems absurd that we should try to even contemplate the idea of proposing bilingual districts in



places which in ordinary practice do not use it and do not appear to use it, when in those that do, specifically in Eastview, it is possible already under existing conditions to go a long way.

PROF. McWHINNEY; It suggests the merit, however, of facultative legislation permitting this.

PROF. CREIGHTON: I don't see why it does. I mean, Eastview does not need any facultative legislation to go ahead; it has gone ahead.

PROF. FOX: Mr. Palmer, there was some discussion at our last meeting about the problem of the unit that might be a district, whether it be a county or a township, and you have raised the point about some of the townships in your earlier remarks. Is a township too small a municipal unit to contemplate bilingualism operating in from your departmental point of view? I mean, are there specific functions in municipal affairs - let me rephrase the question. Are most municipal affairs conducted at the municipal and township level or at the county level? Which is the most vital of these different areas for your department?

MR. PALMER: At the local level.

PROF. FOX: At the township level?

MR. PALMER: Yes, township, village,



town level. That is where most of the municipal administration is carried on.

PROF. FOX: I am just thinking about this because this was a problem. There may be, in other words, different functions in different departments that mean one area is more important than the other.

It was brought out, for instance, in the judicial discussions about the Department of the Attorney General that, of course, justice was administered at the county level, county cities and towns. I am thinking of the discrepancy here in different departments.

MR. PALMER: Counties are becoming more significant in terms of services; they have been for a good many years. They are administering welfare on a county basis now.

There always have been country roads. There is a county assessment system being set up. I think there are some 25 counties in the county assessment commissioner system at the present time. There are county health units.

Education, I believe, is going on a county basis, particularly for secondary education. As I say, the county is becoming more significant, but at the present time I think the local municipality is probably, if I may use the word for it, the more significant of the two.

DR. FORSEY: It strikes me from what



little I know about Carleton County that you might have some problems, because as far as I know the French-speaking population of Carleton County is very heavily concentrated in certain parts, and there are other parts where if you try to speak in both languages you would run against all kinds of difficulties, public relations difficulties (to put it mildly) as well as administrative difficulties.

DEAN DILLON: Touching again on this question of the significance of the various levels of government, I understand you feel that at the moment the more important amount of municipal government is taking place at the township level, but that it may be that the county is becoming more important, is that correct?

MR. PALMER: Yes, that is my personal opinion. I think we are tending more towards regionalism.

DEAN DILLON: That is my next point, that it has occurred to me that more and more we are tending to look at the government of the province on the regional basis, in order to get efficiency in many of the systems that we had to develop.

If this is the case, it could be that this bilingual concept, because of the distribution of the population, would be an inhibiting factor.



In other words, it might be easy to get a township or a town or a city - Eastview being an example and you have stated that this does not seem to cause any problems; but would it not be much more difficult to find regions which could be described? I think they are defined, are they not, now pretty well.

MR. PALMER: Counties are defined.

DEAN DILLON: And the regions as well.

MR. PALMER: Regions for what purpose?

This is the problem. We are not at all sure that the region for economic purposes is necessarily the obvious region for municipal government.

DEAN DILLON: All right, let us

define a region as two or more counties or parts

thereof. The bilingual idea might make this

much more difficult.

MR. PALMER: Yes, I think it would.

I suppose they could grant the privilege to speak in either English or French in the regional district council, if I could call it that, or in county council. This would create administrative problems, translations and so on.

DEAN DILLON: It would also cause problems where you might get all people in a part of the region quite agreeable to the idea of having bilingual tax notices, for instance, but you wouldn't be able to get this agreement over the region in which you were interested.



MR. PALMER: No, that is true. At the present time, of course, tax notices are going out from local municipalities. The assessment notices are still the responsibility of the local municipality, but in county assessment areas the assessment notices are made up for the local municipality by the regional council or the county government.

DEAN DILLON: Perhaps, if we have established a point here, as we move from local to the regional concept of government ---

MR. PALMER: There will be complications.

DEAN DILLON: There will be complications.

MR. PALMER: Undoubtedly.

PROF. CREIGHTON: May I ask Mr. Palmer another question in connection with his last subject, which Dean Dillon has broached. I suppose this does not come under your jurisdiction. I am not sure.

I am aware of the fact from personal experience that there has been developing in the province a system of regional Library Boards, for example. That is true, is it not?

MR. PALMER: I believe it is.

PROF. CREIGHTON: My wife, for example, is a member of a regional Library Board which



takes in collectively the counties of Ontario,

York and Peel. This is another illustration,

I suppose, of this same kind of movement. Is it?

MR. PALMER: Yes, I think it could be considered an example.

DR. FORSEY: Some mention has been made of complications which might be involved in some of these things. It seems to me that the mere fact that there might be complications in the literal sense of the term, should not deter us. It might be in many counties or regions there might have to be rather a lot of variations to allow for variations within the region. This does not seem to me an insuperable obstacle. I agree you want to have your legislation as simple as possible, but sometimes it seems to me you are just forced to face up to some complications if you want to do justice to a complex situation.

PROF. FOX: I am looking at this
breakdown that the staff prepared, Mr. Palmer,
of the ratios of the population in various
municipalities and counties. It says for a
place like Fauqier in Cochrance that 92.5 per
cent of the people are of French mother tongue.
There is Shackleton and Machin, 97 per cent.
Are you familiar with anything that goes on there?
Do you know what happens in such areas of high
concentration of mother tongue? Are they like
Eastview? Do they conduct their affairsin French?



MR. PALMER: I could not speak with any authority on that. I have not attended any Council meetings. I suspect they probably carry on their Council meetings in French, but I am not sure. They are very small municipalities, of course.

PROF. FOX: They would have Councils, would they, this size?

MR. PALMER: Yes, five men.

PROF. FOX: You wouldn't know whether the Clerk would be bilingual in such a place?

MR. PALMER: I would think he would have to be.

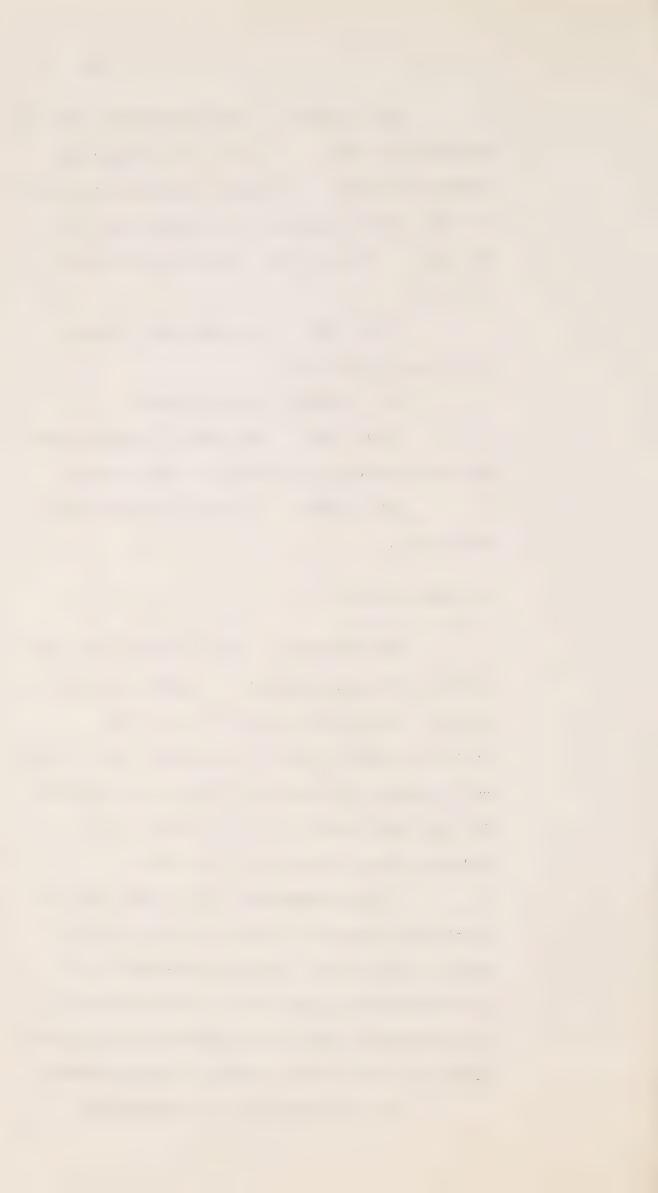
--- Short recess.

THE CHAIRMAN: Let us resume then and continue with this subject. Clearly the whole question is an inter-related one, but for practical purposes we want to proceed step by step and I thought we should go along now to education.

Mr. Dick will be here a little later in the morning, and we can go into his realm.

I have suggested to Mr. Palmer that he is entirely welcome to remain with us for the rest of the morning, and we are hoping that he is here and hope there will be opportunities as we go along for continuing contact with the senior members of the official staff of the Government.

Let us then turn to the education



question. As you all know, Mr. McCarthy is the Deputy Minister of Education and Mr. Tom Campbell, the Executive Assistant to the Deputy Minister, who is sitting behind Mr. Stevenson, has some considerable experience in this area as well.

Jack, we had a general discussion with
Bill Palmer about practical matters of administration
in the area of municipal affairs. There are a
number of points for discussion here on the
question of bilingual schools. Are there any
other points you want to make, Don?

MR. STEVENSON: No, I don't think so.

I think that one can tackle the question of
education two ways: either generally as a subject
in the provision of French language instruction
both to English and French speaking students around
the province, or within the context of a discussion
of bilingual districts.

I think now that we have the opportunity of having the Deputy Minister here, I do not see why perhaps the two subjects could not be mixed and we could deal generally with the question of provision for French language instruction:

basically for Franco-Ontario students as the main elements in conversation.

THE CHAIRMAN: Are there any questions that you would like to raise with Mr. McCarthy?

PROF. CREIGHTON: I should like, in the absence of any other enquiry, to begin the



questions if I may. I should like to ask

Mr. McCarthy a question respecting sub-section

(a) of the section on education:

"Does the Committee favour the

"provision of bilingual public secondary

"schools receiving government financial

"support?"

I suppose the real question here is the second part of it, "Government support for secondary schools", because I assume that the public schools, through the separate school system, they do already receive financial support.

DR. McCARTHY: Yes, the way it is constituted I think there is a reference that they now get support through separate schools.

This distinction does not exist. They get support at the elementary school level, because there are quite a number of bilingual public elementary schools, so that the principle is established at this level. In Welland, for example, the last report I had, Tom, there were how many?

MR. CAMPBELL: Sixty.

DR. McCARTHY: About 60 classes for

French speaking students under the local Board of

Education, and it is responsible for the public

school system. There is also a separate school

system with some of these classes, but at the

moment the Board is receiving grants for them at

the elementary level.



In the case of the secondary level
there are some 39 or 40 schools in the province
where instruction is in French for bilingual
students in a number of subjects - history,
geography and a couple of others, and some
provision for this where commercial or technical
subjects are offered. So there is support for
those programmes at the present time.

The question here I think, is one of identifying particular schools and saying that the whole programme will be in French in those schools, except possibly for the Anglaic part of it. In other words, the question is whether there will be an extension of the instruction in the subjects offered now in French to all of them being in French except the instruction for English for French students.

DR. FORSEY: If I understand correctly there are 39 or 40 public secondary schools now of this kind.

DR. McCARTHY: Right.

MR. SEGUIN: On that, I think I can add it is more.

DR. McCARTHY: Is it more than that?

MR. SEGUIN: Those public schools which we call High School public which are bilingual, are only in areas where we control the Board, except Welland. In other areas we just cannot have them. That is what they are asking for now -

a city like Ottawa or Sudbury or Timmins, where we control the Board, it is easy.

DR. McCARTHY: I think maybe the Sacred Heart one is one we might use as an example.

MR. SEGUIN: I think we use that as a pilot plan for the rest of the province.

DR. McCARTHY: I think everybody does that. What has happened at Sudbury, there are some 1,400 French speaking students in Sudbury now, and at the present time they are scattered around amongst a number of secondary schools.

The question arises as the result of Sacred Heart College, which has been a private secondary, a school operated by the Jesuits, they are now folding as of this June because of financial difficulties; so that some 375 students that are attending that school now will have to go back and attend the schools in the areas where they live. Three hundred and some of these are from Sudbury, and the Sudbury High School Board will become responsible for their education.

The question is, in providing for them, does the Sudbury High School Board now scatter them around among the six or seven secondary schools they have where they offer instruction in French in separate subjects, or do we now gather them together in a French secondary school and allow them to have all of the subjects in French except English?



It is this principle that is involved in the submission of the Association to say:
"We would like to have this set up as an integral part of the public secondary schools, of gathering students together where you could have not only the academic programme but also a composite school programme offering technical, vocational and commercial subjects as well under one roof".

In Sudbury there is that student body large enough that if you gather them together, you could offer a composite school programme under one roof.

DR. FORSEY: What is likely to happen, or is that asking the wrong question?

DR. McCARTHY: It is not the wrong question, but it is a question I do not have the answer to.

MR. SEGUIN: No answer yet.

PROF. CREIGHTON: Could I proceed a little further. I was aware of this development, of course, but I did not realize it had gone so far as it has.

Historically, the bilingual schools grew up as part of the separate school system, did they not?

DR. McCARTHY: No, that is not wholly so.

PROF. CREIGHTON: Is that largely so?



DR. McCARTHY: Well, the first school section established in a township, for example, had to be a public school; so if the first school was a public school where the majority of them were French, then the bilingual part came off worst.

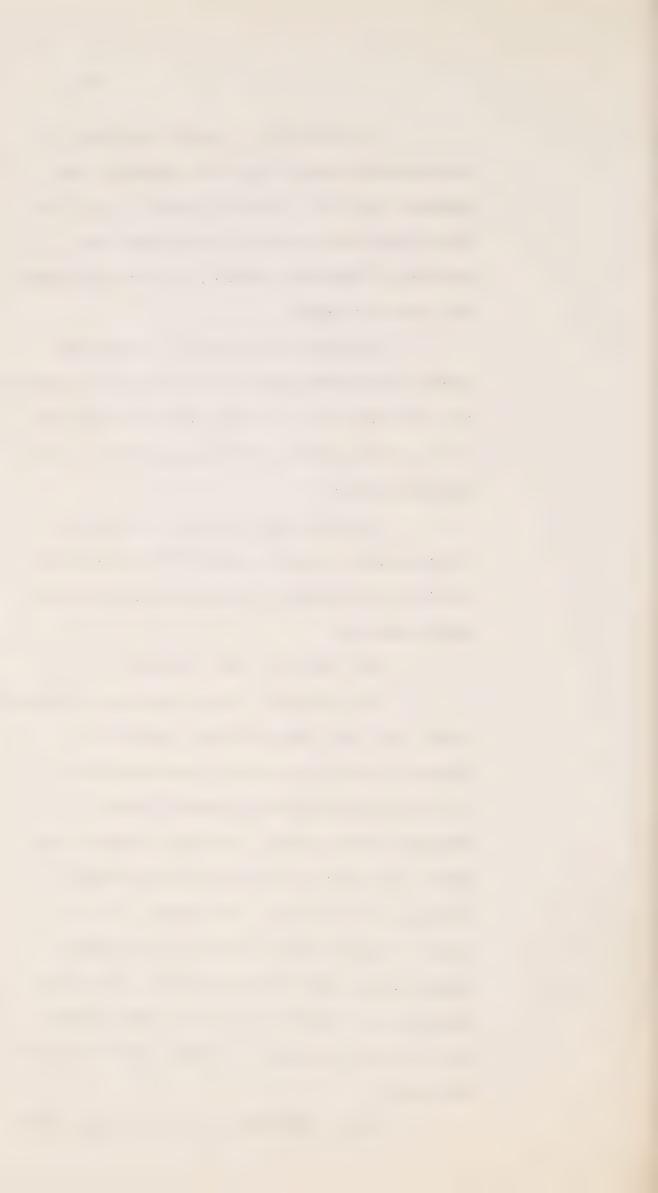
As time goes on you get a separate school established after the public school section, and then there is a transfer over of supporters of the public school becoming supporters of the separate school.

Over the last few years, about ten or fifteen years, a great number of the elementary rural school sections which were bilingual were public schools.

MR. SEGUIN: Yes, probably.

DR. McCARTHY: There has been a changeover in the last few years with the creation of separate schools in many of these areas with the following transfer of support to the Separate School Board; so that I think at the moment the great majority would be Separate Schools, but initially, for example, if you wanted to have a school in part of Northern Ontario where there happened to be, let us say, eight or ten children or more who were French, then it would have to be a public school section initially.

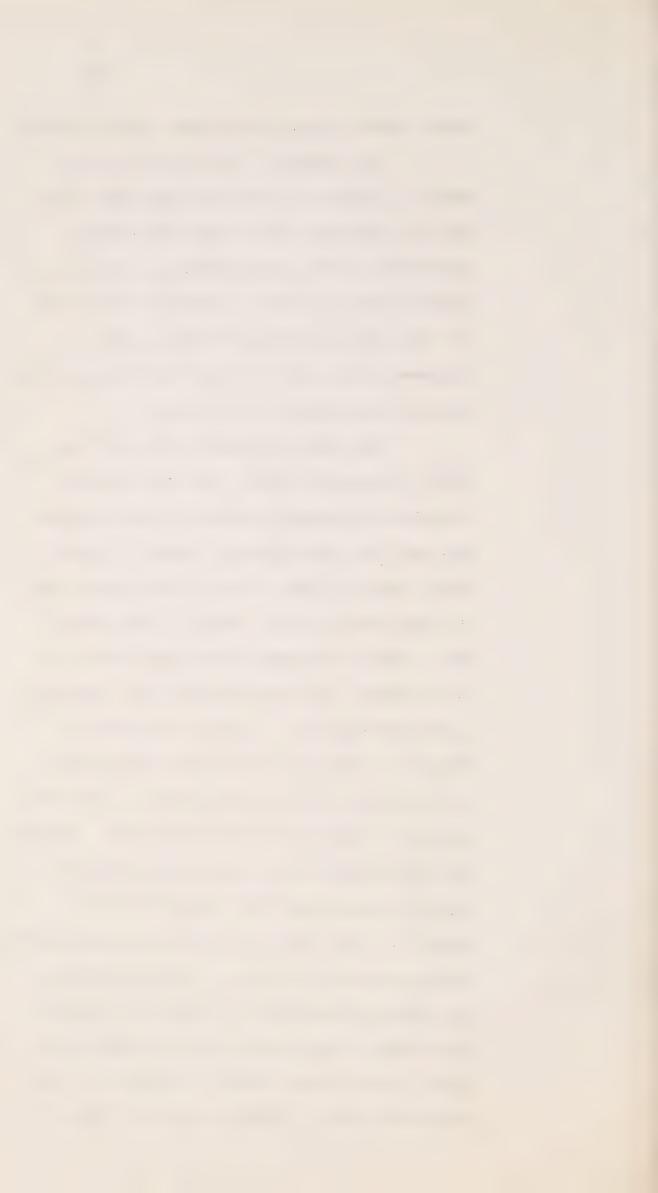
PROF. CREIGHTON: Is there a secondary



school system inside the separate school system?

DR. McCARTHY: Only to the end of Grade 10, because of that provision which says that an elementary school Board can provide instruction to the end of Grade 10, but in several places you have a Separate School Board that has taken advantage of that to offer a programme to the end of 10, and then they go into the public secondary system there.

The great problem has been for many of the bilingual students, that they come up through the bilingual elementary school system. They may stay under Separate School or Public School Board in Grade 9 and 10, and receive most of their instruction in French. Then they go into a public secondary system where almost all is in English, and these students are placed at a real disadvantage. Instead of entering Grade 11 of the public secondary system they go to one of the French private schools, where they get most of their instruction in French. Because they have moved into 11, these youngsters are at a great disadvantage when they come to write Grade 13. To avoid it, they have been going into private secondary schools, a large proportion, and entering University of Ottawa, for example, after Grade 12 and taking the preliminary year there, which is again merely in French, in order to maintain that. There is no doubt those



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students are placed at a very considerable disadvantage under the present pattern.

PROF. BRADY: Presumably many of them feel frustrated and probably drop out.

DR. McCARTHY: This is true.

MR. SEGUIN: In Prescott and Russell the average graduation of secondary schools is 26 per cent in the French speaking population, compared to the English speaking population which has an average of about between 64 and 65 for the province.

DR. McCARTHY: There is no doubt about this, this places them at a great disadvantage, so they just get frustrated and say: "We won't cope with this in English" and they drop out.

PROF. CREIGHTON: I was aware of this arrangement by which they continued to Grade 10, which I understand is the continuation school; but the other evening, for example, just a few nights ago, I was a judge at a debate in the town of Whitby in a high school, Dennis O'Connor High School, which I understand is a separate school?

DR. McCARTHY: Right.

PROF. CREIGHTON: Is this a high school going on to Grade 13? I was informed it was.

DR. McCARTHY: What has happened here -- as a matter of fact Metro Toronto has approved



this recently. The Metropolitan Separate School Board has given instruction only to the end of Grade 10, and then they have all gone on to the public secondary system; but now, because of the change in the grant structure and so on, the foundation tax plan provides more financial assistance to the separate schools and they are now in a position to offer 9 and 10.

So that up to the present time 9 and 10 has been part of private secondary schools offering a programme from 9 to 13; now the Separate School Board says "We are going to take over and run classes in 9 and 10 in what would have been private schools". Now 9 and 10 are going to become part of the Metro Separate School Board deal under this provision for going to the end of Grade 10. They may be housed in the same building. 9 and 10 receive a grant from the Metropolitan Separate School Board. 11, 12 and 13 won't get anything because they are still private school, in the sense that Upper Canada College or any of those places are. Does that answer your question?

PROF. CREIGHTON: It seems to me that in the province we are in effect going on to a system of secondary education with three divisions.

DR. McCARTHY: Yes, you used the



"continuation" refers to the School Act, and it refers to another animal. There is legal provision for continuation school up until recently that offered a programme through to 13 the same as high school. In other words, at secondary level you have collegiates and high schools and continuation schools. It is more continuation of elementary programme that they embrace 9 and 10, and you are right, there are these different appearances.

PROF. CREIGHTON: There are three where before there were only two.

DR. McCARTHY: No, there have been three right along. This authority to run these 9 and 10 has existed for a long time and has been exercised in many places for many years.

One of the reasons why it did not move into operation on some of these Separate School Boards before was that their grant support and tax base support did not permit it to move into that because it is costly, getting more costly. They still couldn't offer a total programme, and that is one of the real disadvantages of having to move into 9 and 10, that this becomes, if you are going to cover the whole spectrum, particularly in technical and vocational, it becomes pretty expensive business.

So when they offer 9 and 10 it is



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usually in the academic studies alone. So if a student is not academically inclined, the programme does not provide for him as well as if he moved to a public composite school where they could choose commercial and technical subjects.

PROF. CREIGHTON: So I suppose this Dennis O'Connor High School then down to Grade 10 would be carried on in this way so that it would be a private school?

DR. McCARTHY: Paying fees and all the rest.

PROF. CREIGHTON: Paying fees and relying upon the support of the community.

DR. McCARTHY: That is right.

MR. STEVENSON: Could I get back to
Sudbury. How would you describe the relative
roles of the Department of Education and the
Sudbury District High School Board in arriving
at a solution to the question?

DR. McCARTHY: Under the School Act the Board has to provide for those students who live in Sudbury and whose parents are tax supporters in Sudbury. So that 300 of these people, they are entitled legally to go to the schools run by the Sudbury High School Board. The Subdury High School Board says: "We have space for these extra students, and we are going to take them in, but we will do it on the basis



of offering instruction in French and History, Geography, Latin" and any commercial subject they may offer, which is not as broad as the Association is asking.

In other words, we are up against the same problem that when the youngsters leave at the end of Grade 10 they will have had all instruction in French except the English programme. Then they will be moved into the public secondary system at Grade 11 where the only subjects they will get in French are the ones I have indicated, and they will again be at a disadvantage in this situation unless the Sudbury High School Board with the support, if the Department agrees with this, says: "Here, offer them a total programme in French right to the end of 13".

There is where the Department comes in, because up until now we have said: "These are the subjects". The question is whether there is a change of policy to say: Offer the whole spectrum here in French if you can gather students together in a French secondary school under the public system. Does that answer your question?

MR. STEVENSON: Again this is rather hypothetical, but this presumably might create a fair financial difficulty. Would there be any way of getting around the financial problem?

DR. McCARTHY: It would not create any



financial difficulty other than exists at the moment.

MR. STEVENSON: What about provision of text books in subjects which are not now permitted to be introduced in French?

DR. McCARTHY: No problem there.

Let us face it, text books are going to play a lesser and lesser role in education. You could make a good argument for saying: "Let us do away with them". That is not the problem.

In any case, they will produce text books, and French produced ones will be only by translation from the ones in English which they cannot follow now.

PROF. McWHINNEY: When you say text books are disappearing, are you anticipating television education?

DR. McCARTHY: No, I am thinking in terms of using wide terms of reference for youngsters, not saying to them that here is a single text book in a subject, because it is a matter of ---

PROF. McWHINNEY: Do you anticipate large libraries in schools?

DR. McCARTHY: That is right.

PROF. McWHINNEY: And the funds are there, are they?

DR. McCARTHY: Most of the secondary schools now do rate secondary school libraries



within the school system.

MR. BEER: Dr. McCarthy, with regard to libraries, I believe each secondary school receives nine dollars per pupil for the library.

Is that right?

DR. McCARTHY: This is the oncoming one, but there are capital grants to establish these libraries to start with.

MR. BEER: If bilingual secondary schools were created, they would need this initial amount of money to get more books, but they would also need, not exactly double, but you would have to have a pretty strong English programme as well.

If I understand the Association, they do want this increase of French but also a much different English programme than, say, the kind of English they would have had in our English language high schools.

Are these sort of problems, questions of library grants and moneys for this sort of thing, are these worked out by the Department or is this solely the responsibility of the local School Board?

This question is getting into what

Mr. Stevenson is getting at. If the local

School Boardbalks or if there are problems with

respect to the whole question of French language

secondary education, how far can the Department



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go? What are the problems involved here?

DR. McCARTHY: I think what you are really getting at is Dr. Forsey's question earlier on. There is no problem in terms of taking care of these finances for library purposes, providing the principle is accepted. If the principle of providing these schools is there, we do not have any trouble getting the money to do that.

MR. SEGUIN: But there will be an additional cost, for instance, in a city like Ottawa, to all ratepayers, there is no doubt about it because, for instance, 33 per cent of the population only goes to private schools mostly.

DR. McCARTHY: This may be an increased cost, yes.

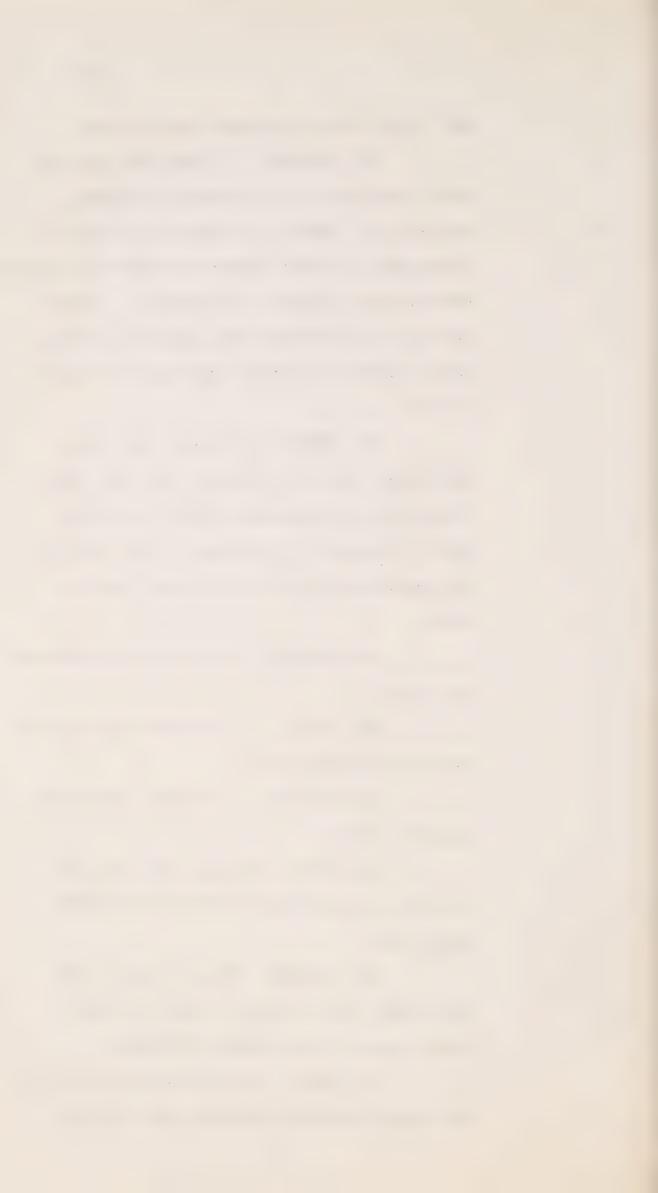
MR. SEGUIN: 33 per cent pay that tax and do not benefit from it.

DR. McCARTHY: Of course, that same argument exists ---

MR. SEGUIN: When you send them back to those schools, then it will have to higher up the cost.

DR. McCARTHY: That is right, there is no doubt about that but it won't be more costly to run it in Sudbury, for example.

MR. SEGUIN: No, it may be expected by the English speaking population that it will



increase.

DR. McCARTHY: The same thing is true of separate schools generally.

MR. SEGUIN: But they do not pay double, which we do, private school and collegiate board rate. I know that this is going to go higher.

DR. McCARTHY: There is no doubt of that, I agree, that if you add to the student enrolment (that is what you are saying here) it is going to cost more than the public rate.

MR. SEGUIN: That is so. I think everybody should be told what they can expect out of it.

MR. STEVENSON: But the thing I had in mind is what I have heard about the provision of French language instruction in commercial and technical subjects, particularly, although to a lesser extent in maths and sciences, that it has been said that it would be difficult to teach some of these subjects in French because of a lack of instruction material.

MR. SEGUIN: It is done in the private schools. Why would it be harder if we moved from one building to another? We already have the teachers available in private schools, most of which are qualified and can be made available to the other system.

DR. McCARTHY: It is a phoney argument.

There are all kinds of texts in Quebec we could use.

MR. STEVENSON: That would be my reaction.

provision of commercial and technical, for instance, for students of either language group in Northern Ontario? If a student lives in a fairly small, remote town in Northern Ontario and he is not qualified to go on or does not have the interest to go on to a secondary school with an academic strain, what sort of facilities are available to him to go on to commercial and technical schools? Does he have to travel a long distance? Are they located at strategic points and, if there is a boarding cost, who pays it?

DR. McCARTHY: The local School Board can pay three dollars a day and transportation costs for a student to attend a school where these programmes are offered.

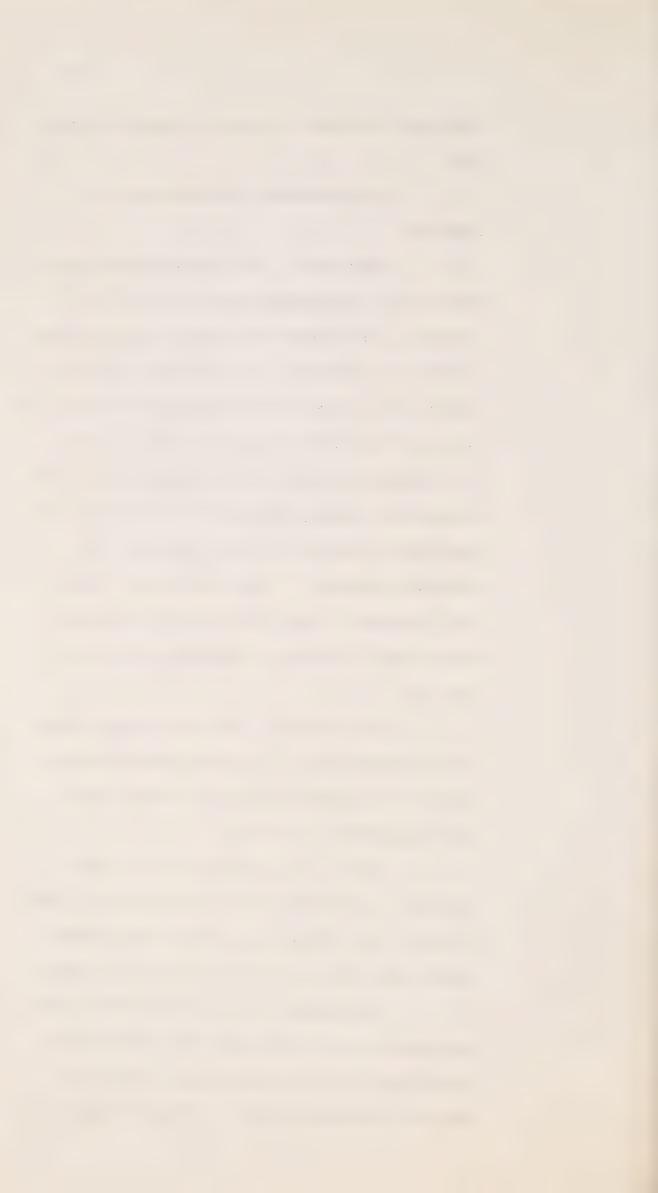
Let us say you take 80 miles from

Atikokan or somewhere a student wants to do this.

He can go to the Lakehead and the local Board

in the area can pay his cost to send him there.

As a matter of fact, the other day you may have noticed in the press that Foleyet was doing this sort of thing, sending students to Timmins, and this is fine. They are paying a



pretty heavy cost, they happen to have five or six, and it is a small rural section. Provision exists under the Act for them to do that.

PROF. FOX: Do you feel it works satisfactorily, or are people in more remote areas penalized, or the children penalized if they want to go on to this kind of stream of education?

DR. McCARTHY: I think the opportunity exists there. You know what happens here, in terms of the family which has lived back of Foleyet, and the question comes up of having youngsters of 14 going away to live in Port Arthur. This requires some planning and knowledge on the part of parents to encourage youngsters to do that. Ordinary students, I think, because of that, do not have the opportunity that they would have if they lived in a community where the youngsters went down the street to the school. I do not think there is any argument he is at a disadvantage.

PROF. FOX: These are probably the children that really do need this education, because they will be going into occupations that are pretty technical.

DR. McCARTHY: I wouldn't like to say they would necessarily go into those occupations if the opportunity exists to go to secondary schools. Many of these kids may well be in the academic stream. I don't think you can say in



advance where they will go. You have to give them the opportunity of choosing. I can't tell these people are any more likely to be better in the vocational, technical and commercial subjects than they are in the academic.

PROF. FOX: There would not be a higher percentage from that background who wanted to go to commercial and technical schools than in a city like Toronto.

DR. McCARTHY: No, I don't think so.

I think the first thing the youngster does is to get into Grade 9 and make some choice there, and the first thing you want to do is say: "What am I capable of doing?" and pursue and see if you can follow it.

MR. FARRELL: This difficulty of children in the remote areas would apply to English speaking as well as to French speaking and any other ethnic group.

PROF. FOX: It is a problem that puzzled me and I was wondering how we are doing.

DR. McCARTHY: The district High
School has opened up opportunities for many of
the youngsters who do not go to some of these
so-called continuation schools or if they did
their opportunities were rather limited. Now
the province is covered with these district high
schools, and in order to carry it on successfully
you would have to have some minimum enrolment, and



this gets to be one of the problems in the remote areas.

PROF. CREIGHTON: May I ask

Mr. McCarthy a question, Mr. Chairman, respecting

principle. After all, as I have already argued

we ought to be discussing principle at this moment.

I must confess I am somewhat concerned, not to say alarmed, at what appears to be increasing division of the secondary school system in this province in three separate streams. I do not think it is desirable, and I would like to ask this. Mr. McCarthy says, and I assume there is no doubt about this, that people coming from Grade 10 in a bilingual school find themselves inevitably at a certain disadvantage in going to a public secondary school in which almost all the subjects are taught in English.

Suppose that this Committee recommends or suppose that the province decides to continue the process of providing for secondary schools and bilingual secondary schools and also, of course, I suppose, give support to the kind of thing we see happening in the separate school system. When a student comes out of one of these bilingual secondary schools, if they are established, and still more if he comes out of one in which all the instruction will be in French, will he not be, four or five years later,



at a still greater disadvantage in the Province of Ontario, and will be then not be unable literally to take advantage of any of the English speaking universities in this province; and will be not in effect be compelled to go to a French-speaking university, and he will then emerge, to my way of thinking, very gravely at a disadvantage in the Province of Ontario in which a great many, and I would suppose the vast majority of these activities, are going to be carried on in English?

an environment where the general population was speaking French, then there would be little opportunity, but in the Sudbury context I would say that not one of the type of youngsters who come from French homes in that context would have any difficulty in learning to speak and read English. They will just do this inevitably because of their conditions outside of the school system, participating in team games and sports, and the great majority of cultural activities in Sudbury, for instance, are bound to be conducted in English.

So I think these youngsters will learn the language that way. The question arises when we start talking of the political concepts and the like in history used in the secondary school. Do you make it as easy for him to understand it when you use the English language

in which he may not have that added degree of facility?

I do not see any problem in any place in Ontario, and I doubt it exists in Ottawa, Roget, that these people are all going to learn English in the sense that they need to understand it and to speak it; but when you start getting some of these rather difficult concepts and try to explain it to them in other than their own language, it places them at a disadvantage. But I do not say this is a difficulty for them and I do not think they would necessarily be disqualified from going to English universities. I think they would likely choose either Laurentian or Ottawa, in other words, staying in Ontario.

MR. SEGUIN: I was born in Ottawa, educated in private elementary and secondary schools, entirely French, with the English course and English literature. Then I attended the University of Montreal, and I must say I can make a living in Ontario, but the handicap is placed presently. Either we abolish the bilingual elementary school completely or else provide secondary schools.

DR. McCARTHY: This is right.

MR. SEGUIN: Otherwise they will remain a force of labourers, elevator operators, and char services, things like that.



DR. McCARTHY: And really that choice does not exist.

MR. SEGUIN: I do not think so.

MR. PERRY: I wonder if we could go
further into this rather odd situation of having
extended primary school jurisdiction to Grade 10.
Was this done with any principle behind it?
I have worked in governments myself, and I can
almost see the processes that went on here.
Having done it, how do you resist going right on
to Grade 13?

DR. McCARTHY: For this reason, that this was the level at which instruction could be given going back a hundred years, so this is nothing new. I didn't have any part in arriving at this.

PROF. CREIGHTON: These are the rights and privileges established before '67.

DR. McCARTHY: That is right, but at that time it existed in the elementary school system; that is as far as it went as far as the public system was concerned. Then you later had superimposed a secondary school system, so you could not turn around and say: "Now we are going to take away 9 and 10 from this level" because we have set up a secondary school that went across the board. A great number of 9 and 10 are in as the result of that right and still expect to have them in the elementary.

MR. PERRY: In fact, it almost worked the other way, that is, the secondary extended down.

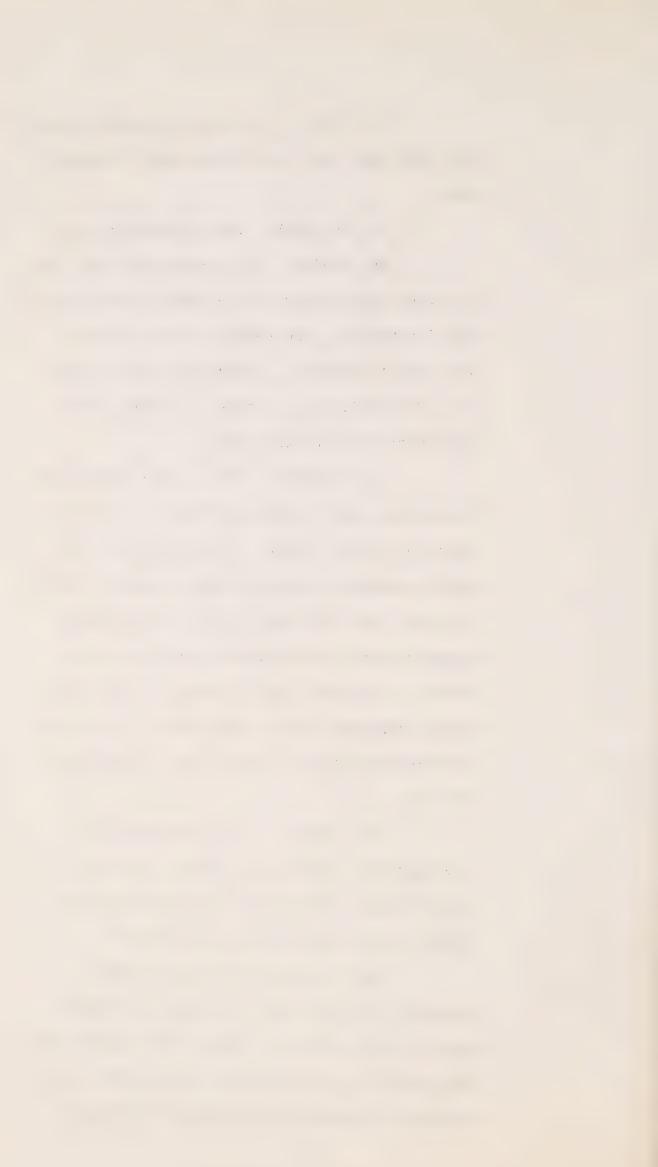
DR. McCARTHY: That is exactly right.

MR. MAGONE: As a matter of fact that situation has existed for 50 years in the school that I attended, Lord Dufferin School in the east end of Toronto. They had a Grade 9 and 10. We didn't call it that. It was Junior and Senior Fifth at that time.

DR. McCARTHY: This is the historical background, that it did exist and it was already under the public system. We still have some public elementary schools that extended. Later on, after you left there, Cliff, they turned around and set up this general secondary and removed it from the public set—up. Now, you see the Separate School Board here is going to exercise that right to have 9 and 10 and take them on.

DR. FORSEY: I am sure there is something here that I just haven't seen but I should have, the proposal submitted by the French Canadian Educational Association.

May I ask whether there is some suggestion that in these bilingual secondary schools there should be rather more English than there would be before or now, up to Grade 10, or is there a feeling that the amount of English



which is now in the system is adequate?

MR. SEGUIN: We are actually not asking for more English language. We are asking for the same amount of English that we have in the elementary school but no more.

DR. FORSEY: What I was thinking of was that Mr. Seguin said he did not find himself at a disadvantage. With great respect, I think it is possible some other people might, because not everybody is as richly endowed as our colleague.

I wonder whether there was a feeling that the so-called bilingual, which would appear to be almost exclusively French schools did at present make insufficient provision for the teaching of English? I know they will pick it up, ordinary speech and that kind of thing, but they might find difficulty in what we might call technical vocabulary and that sort of thing.

PROF. CREIGHTON: And literary vocabulary too.

DR. McCARTHY: I think they get the facility in the French literary vocabulary which is important too in terms of maintaining ---

DR. FORSEY: Of course. I am
thinking of the point that Professor Creighton
makes, which cannot be brushed aside too easily,
that even after they emerge from Grade 13, or for



that matter after they had emerged from a

University course conducted in French or almost

exclusively in French, they may be at a

disadvantage in a predominantly English speaking

environment. They may find that some won't

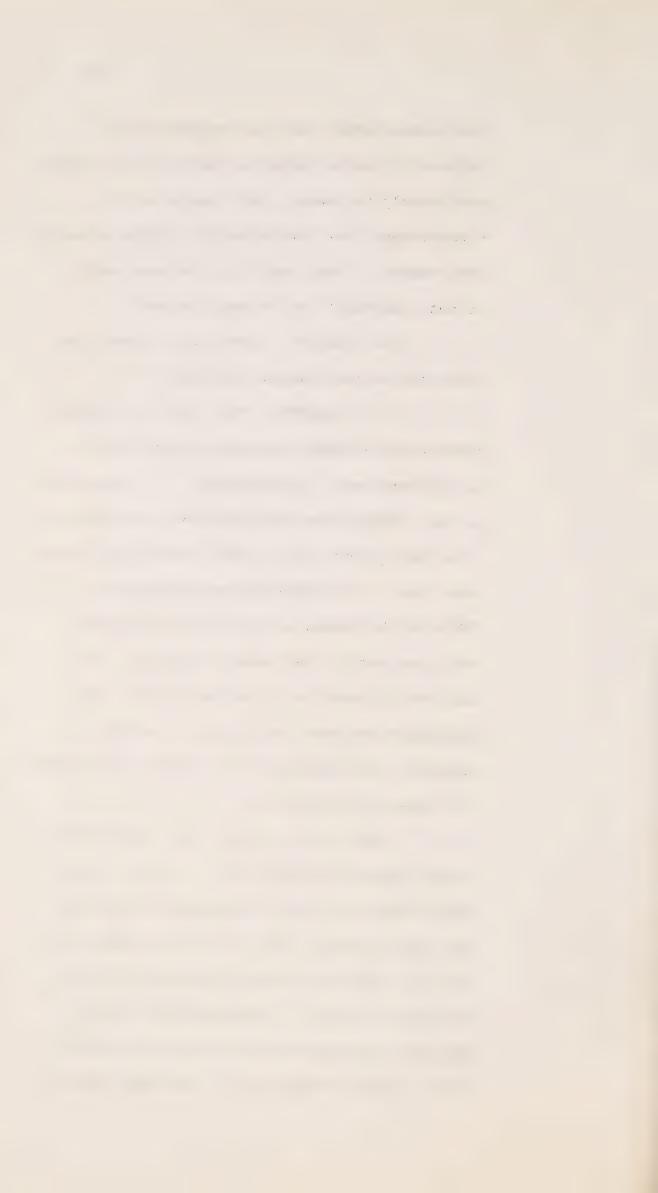
be but some might be, it seems to me.

MR. SEGUIN: There will be very few that will be handicapped this way.

DR. McCARTHY: May I make a personal observation without indicating policy as far as the Department is concerned? I think that at the present time (and Roget will tell me if I am right about this or not) there is a feeling here that it is the English who are saying "This is the amount of French you can have". Until you get by the point of saying: "You can have as much French as you like in this programme", you are never going to get an adequate understanding of how important English is to many of the students.

For example, going back temporarily to the history of regulation 17, there were a lot of views that had a foundation there and that still persist, that it is the English who won't let us have a total programme in French.

My view is we say: "You can have a total programme in French at this public secondary level, except for English"; and once that is



granted, I would bet my bottom dollar the French Canadian would say: "I need more facility in understanding English".

DR. FORSEY: This is why I asked the question about the views of the French Canadian Association.

MR. SEGUIN: I will admit on that we do not entirely agree. At the present time maths and sciences are taught in English, and most of us agree they should be continued in English. There are some people who are saying: "No", but if these secondary schools were established tomorrow, until a larger demand was made, both maths and sciences would be continued in English.

DR. FORSEY: I entirely share your views. I object strongly to the line that English people know better what is good for French Canadian children than their parents do themselves. I have expressed myself with generous warmth on this at times.

I wondered whether there was a feeling, and my argument has been to some English speaking people: "Look, French Canadian parents are not deliberately going to put their children at a serious disadvantage". If they want them to get on in a society where a great deal of English is spoken (I am thinking not merely of Ontario but of the larger area) they will not



want them to be deprived of an adequate knowledge of English.

MR. SEGUIN: That's for sure.

DR. FORSEY: They are not going to deliberately put their children in a box.

DR. McCARTHY: But if you move to public secondary schools that offered total programmes in French, if French parents wanted it, that does not mean that if they say: "We do not want to put our youngsters to any disadvantage" that they cannot have as many things taught in English that they want to. That opportunity will exist there.

My own view is initially you might do both. You mightsay: "If you really want it this way we will provide it. We will keep the door open for you. Take as many courses as you want in English". My view is that would be the best solution for the situation at the moment.

MR. MAGONE: Mr. Chairman, I do not think I have misread speeches of our Prime Minister in relation to this question, and I thought that he has expressed several times the view and the policy of the Government that it was the policy to continue to teach children English so that they could be competitive in an English speaking society. Isn't that so?

DR. McCARTHY: He has said that on a



number of occasions. That is why I prefaced my remarks by saying they were personal.

MR. RATHE: Mr. Chairman, I am very interested in many of these practical questions, but it seems to me this Committee, at least my understanding of its constitution and its purpose was not simply to consider the situation as it exists now but to project ourselves probably into the future. A great deal of what is being said assumes that the nature of Ontario is going to remain exactly as it has been or as it is now.

which have been raised just now and the questions that were raised this morning are very much related. It is just possible that there is going to be an area of French life in this province uninhibited, very different from what it has been in the past, and that there will be opportunities for people in this province in the area of French. Without exaggerating this, it seems to me that that is what is involved.

There is a movement by English-speaking people to learn more French that is pretty evident, it seems to me, and the French fact is something with which it seems to me this Committee is coming to grips.

I am just a little astonished at the way in which the discussion has gone today,



assuming everything is going to remain just
exactly as it was, and we will sort of give
concessions where they are demanded and just
as little as possible; when I would have thought
that what was really the concern of this Committee
was a question of justice, and perhaps going
beyond the position we find ourselves in today.

DR. McCARTHY: I may have been partly responsible for the emphasis on the basis of the practical day-to-day need to cope with some of the problems.

I think there is another question that has come up recently that I did not hear of before, and it is a growing demand on the part of English parents to have a French school established under the public school system, at both the elementary and extending into the --for example, if there are French bilingual secondary schools established, would it be possible then for parents to say: "I would like to have my youngsters, whose native tongue is not French, put in that class". This is growing , and I think it is one of the problems that may arise here, if you establish these public secondary schools in French, whether you are not going to have demands from English parents who say: "Why cannot my youngsters go in that class rather than being in the English class?". I think, Roget, the Association feels



that at least initially that should not happen.

MR. SEGUIN: Well, no. The thing is this, provided the people have taken French in the first eight years, sufficient French to be able to attend; but if he comes into the ninth year it won't be fair to that pupil to absorb him into an entirely French school.

DR. McCARTHY: No.

MR. SEGUIN: The trouble is they cannot do it with the separate school system because they have got to pay the rate plus their taxes. A lot of people haven't got the money to say "I am going to send him to the bilingual separate school" because they just cannot pay their taxes to the separate school and have to pay \$20 or \$25 a month.

DR. McCARTHY: Ottawa Public School Board is talking about the possibility.

MR. SEGUIN: About having some French classes in the public school.

DR. McCARTHY: Where they would get as much French as the youngsters would in the bilingual.

MR. SEGUIN: That is right.

THE CHAIRMAN: This is what you raised here, but I think it is well to keep in mind that we are looking into the future and the immediate future.

My own disposition would be to keep in mind that whatever arrangements are made, the



absolute ideal, of course, is for all educated in this province to be perfectly fluent in the two languages for a whole variety of reasons which seem to me to add up to production of cultivated individuals.

DR. McCARTHY: Right.

THE CHAIRMAN: This is a long, long step, but I think that whatever everyone does, the steps taken should be consistent always with that as an ultimate objective.

PROF. BRADY: I think itmay be relevant already to mention the fact that the Federal Government after all seems to be very seriously endeavouring to establish a bilingual service at the upper echelons in certain divisions of it; and unless children of English speaking Ontarians, for example, have an opportunity to learn French and have a good grasp of French, they will be at a handicap in entering the Federal service.

DR. McCARTHY: That is right.

DEAN DILLON: I would like to ask

Dr. McCarthy a question relating to the remarks

you made which were your personal opinion, as

to what might be an ideal situation. I believe

you described it as one in which the Franco
Ontarians would be allowed to have an educational

system with as much French in it as they desire.

This may be an unfair question, but

And the second of the second of

I am wondering if you could just outline the steps that you think would have to be taken to achieve this? How far are we falling short of that at the moment?

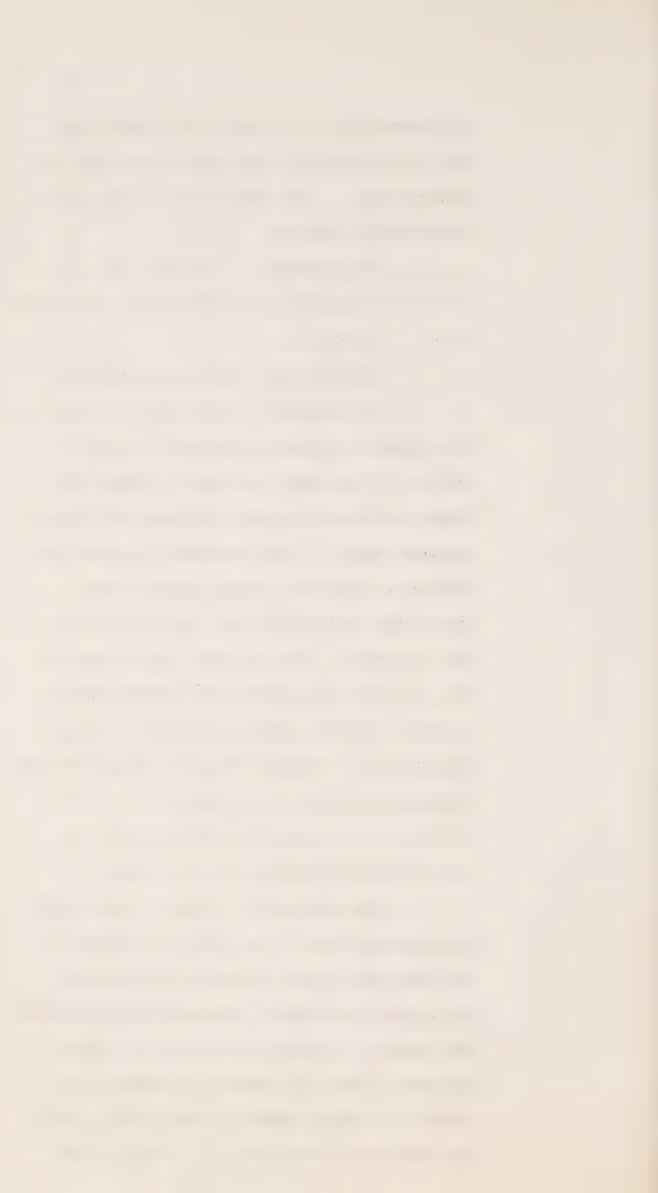
DR. McCARTHY: If these were all together as suggested, so that all the instruction might be in French?

DEAN DILLON: If it were requested.

DR. McCARTHY: Yes, that is right.

The problem you have at the moment is that in Sudbury, for example, you have a Sudbury High School Board which is made up largely of English-speaking people. Now, whether they would be willing to establish a school within their system that would allow this instruction as we have indicated, I do not know; but I suspect that, as Roget has pointed out, there would be a number of places, unless there was a large proportion of the School Board of Franco-Ontarian origin, that would not be likely to be willing to do this. As you know, there are certain prejudices still existing on this issue.

The question is I think we would have to incorporate this in some kind of legislation that says that given this number of students, which might be based on the necessity to determine what number of students you need for a viable programme, given that number of students you request for establishment of this school, that the Board shall establish it. That is the



crux of the problem as I see it right now.

Given that kind of legislation, then I think

you could move to it right away.

There are no problems in extending the number of subjects that can be taught, because actually the way the subjects get extended now is that the Minister issues a directive and says — for example, up until recently it was French and Latin could be taught at Grade 11 in French and, I guess, at the earlier grades.

Then history and geography were added to it, merely by directive of the Minister that this could be done. Then some commercial subjects.

So that I think at the present time (and I do not know the legal basis for this) --

MR. MAGONE: I was going to ask you.

DR. McCARTHY: Nevertheless that is the way it has been done. So that if you had a Board that was legally required to do it under these circumstances, I think there is no other problem to doing it.

DEAN DILLON: When you pass the legislation are there any practical matters? Do we have the resources and personnel?

DR. McCARTHY: At the moment we would have a problem here in terms of the number of qualified teachers, because this would represent an increase. At the same time, we are presently

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holding discussions with the University of Ottawa towards the establishment of a Faculty of Education there to train. At the present time the teachers are at that college on that campus in association with the university, although it is a provincial institution. Discussions at the moment in terms of the teacher education programme for everyone are going on with all the universities, but we could establish and we have had some preliminary discussions with the University of Ottawa and they have agreed by their senate and Board of Governors that they would be willing to take on a teacher-education institution there to train bilingual teachers, not only for the elementary but through secondary, which would cover the whole spectrum.

We already have a Teachers College
being developed at Laurentian which will be
capable of expansion into an O.C.E. as well to
train secondary. There will be a problem there
in the technical and commercial field for a
while. We would have some difficulties there,
but given the establishment of the principle,
we can go ahead with this. You would have
this problem for a while because you had an
earlier problem. We talked about the drop-out
rate. You have got to create the required
secondary schools to get more people going
through there to go on to become teachers in this



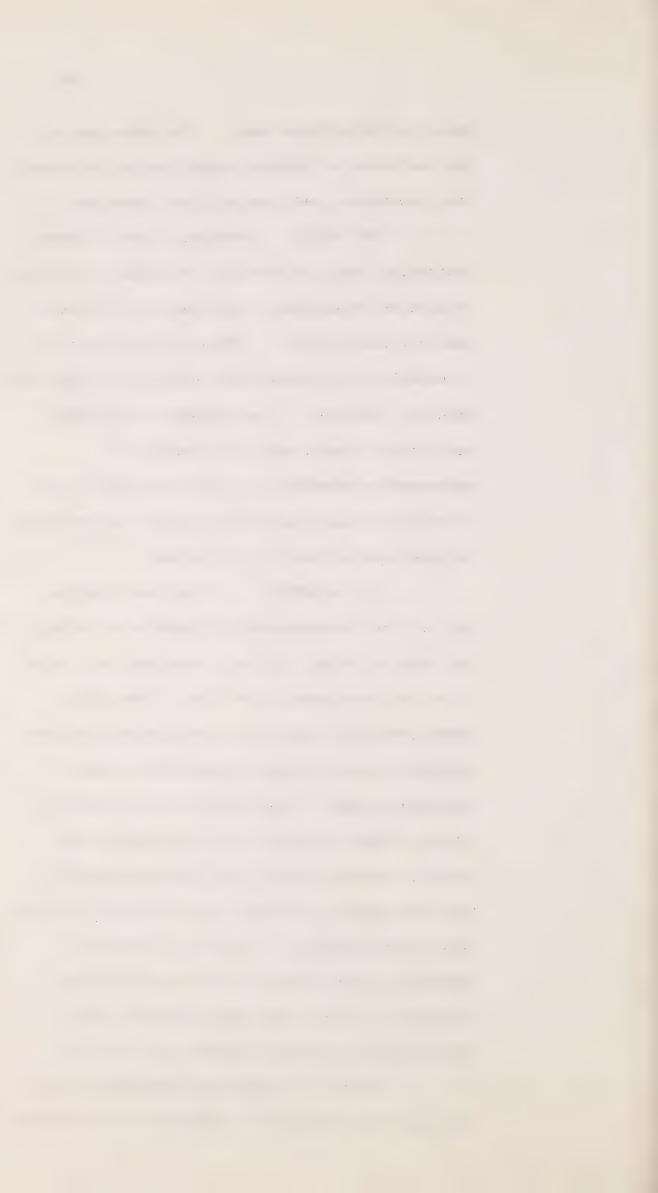
area, to its ultimate end. You have got to get the thing to produce enough people to expand your programme, and that will be a problem.

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MR. RATHE: Certainly there is every indication that the Province of Quebec is willing to give us considerable assistance as far as it possibly can in this. They are very anxious to establish an educational and cultural agreement with the province. The pressure is becoming very great indeed, and I am finding it embarrassing sometimes to know just what to say in reply to their queries as to when we are going to take some action in this regard.

DR. McCARTHY: If you are going to get all the French-speaking students in Sudbury into one building, this will mean you will have to build a new school for them. Now, this added cost is no problem in Ontario because the secondary school system is expanding anyway. So Sudbury needs a new school, and the influx of more French students will accentuate that need if they are coming from private schools. The next school you build, build it in a location that is most helpful to gather all students together in that school to offer a composite programme, and you will have a vacancy there which English-speaking students can fill up.

There are practical things like this, but once the principle is accepted such practical



problems are easy to solve.

MR. STEVENSON: I was wondering, there is one question that has not been asked,
Dr. McCarthy, but which relates very much to the joint question in all three areas. It is really one under 7(c) where it is a question of local autonomy or provincial fiat. I think perhaps it can be related much more closely into the educational sphere than either of the judicial or municipal matters that we are discussing.

The problem here is that you have so many municipalities which are not, as Mr. Seguin says, under control of the Franco-Ontarian population, where even though you might have quite a demand and perhaps a need for greater French-speaking facilities, you have an English-speaking dominated School Board which says:

"No. Even though it may be permitted, we do not want to go ahead".

I wonder what kind of reactions we might get from Dr. McCarthy to this, which we could then think of in relation to the judicial field?

DR. McCARTHY: I don't know what

Government policy will be in this matter, but it

seems to me that generally there is a major

problem in education in terms of the size of the

units in which we are working now, and I would

hope that we are not too far removed from much

larger units of jurisdiction in the total educational programme.

If that comes about in the near future,

I think Ontario might well be divided into a
hundred school jurisdictions, let us say. If
that is the case, it is much easier to build
into your powers of the Board the necessity to
provide different programmes. We could do this
now by legislation. It might be much more
difficult if you are at the same time organizing
a whole county as a basic school unit, at which
time you could very easily say that, given those
circumstances within a county that would give you
a larger unit from which to draw students, that
there would be established under the Board a
school for this purpose.

MR. STEVENSON: This is really the place where the discussion goes from the general into our discussion of bilingual districts.

I can see where you might perhaps retain the permissive element for all parts of Ontario except for designated bilingual districts, where in those areas you might have a legislative provision that French and English school services will be provided.

DR. McCARTHY: My own view is that the educational problem, while it may be related to regional factors, is such that it ought to be made province-wide in the education field, rather



than be tied in with the kind of districts you are talking about. I have been reading what material you have, and I do not see the relevance of the educational programme to the rest of what you are talking about in that field.

THE CHAIRMAN: There is a problem here,

Jack, and it was alluded to earlier before you

were here, that the whole character of governmental

administration will likely change with respect to

regional government in grouping of larger areas

together and so on, making a different kind of

mosaic than when we have been dealing with small

units as they are.

DR. McCARTHY: Right, but the Ontario
Department of Education has already established
ten regional offices in the province, and I think
it is within that framework that we could well
deal with the educational problems.

THE CHAIRMAN: Again, as I say, if the regional movement becomes translated into fixed policy, of course, we are going to be moving more formally in that direction and it gives us different terms of reference, as you say.

-- Mr.A.R.Dick, Q.C., Deputy Attorney General was introduced to the Committee in an off-the-record session.

THE CHAIRMAN: Mr. Magone raised a point of issue earlier in the proceedings, Rendall, which I think you should hear and consider.



Would you like to go into that?

MR. MAGONE: Yes. I was reading from the report of the last meeting about a discussion that one of the secretariat, Mr. Posen, had with one of the Assistant Deputies, and I think it was Al Russell, is that right, Mr. Posen? I was not able to get hold of him. I tried to phone him to find out about it, but he was out of town when I phoned. The report that Mr. Posen made was that in speaking to Mr. Russell it was mentioned to him that the practice in eastern and northern Ontario is to appoint bilingual magistrates, Court Clerks and other officials, and that there also exists a good many bilingual county court Judges.

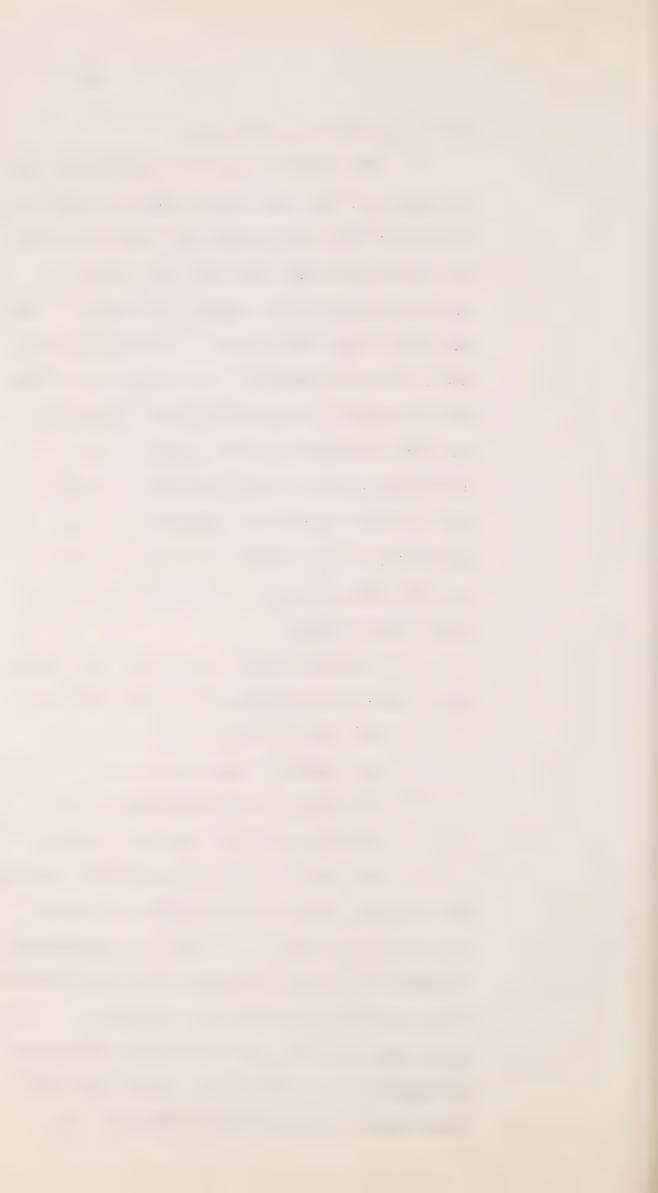
I suppose there is not much doubt about that, where it is feasible, Mr. Dick, is there?

MR. DICK: There is not.

MR. MAGONE: Then he goes on:

"So that in many cases these trials
"do go on and are conducted in French .."

MR. DICK: I don't know what Mr.Russell had in mind. They are not conducted in French in the official sense. It may be an appearance is given it is being conducted, but it is actually being conducted in English and there is a translation process, and it is put on the record in English. In other words, in any trial the record has to be transcribed in English, and



the reporter would be taking it down in English.

MR. SEGUIN: It goes further than that. There has got to be an interpreter. I mean, it is not translated; there is an interpreter. The Judge, lawyers, parties can be French but the lawyers and the Judge speak English between the two of them, and if he wants to speak to his client he puts the question in English and the interpreter asks in French. There is no proceeding in French whatsoever.

MR. DICK: No, it is all transcribed as you pointed out, and there would probably be a defect in the proceedings if it was not done that way.

MR. SEGUIN: That is right, it could not be.

MR. MAGONE: It continues on:

"In cases where appeals are necessary,

"the transcripts must be provided in

"English for the higher courts here

"in Toronto."

It is because the proceedings arein English.

MR. DICK: They are in English under the Judicature Act, the official language of the realm.

MR. MAGONE: And he says:

"He was somewhat sceptical at the

"beginning about documents being

"printed only in Franch because he



"felt that more centralization was

"taking place with documents across

"the province being registered here

"in Toronto."

Do you know what he means by that?

MR. DICK: The only central registration is the filing, as you know, of the record in cases of appeal to the Court of Appeal, but I do not know what other central registration he might be referring to.

MR. BEER: On a point of clarification perhaps, Mr. Chairman, as I attended that myself, as I recall he was thinking into the future when there may be all kinds of I.B.M. systems in which one kept all kinds of material coming in from other areas; and if you set this up solely on English and you had documents that were only in French, this would cause problems. I think this was just a small sort of look in the future.

MR. DICK: Probably what he was thinking of was the new Personal Property

Security Act we have introduced in the Legislature this year. There would be a central filing system in respect of personal property security transactions. This new Act has a personal property security instrument which will be a new thing for chattel mortgages, conditional sale agreements, assignments of book debts and so on.



It is left to be done in the future and it will have to be a five-year programme. Then if you file in one office in a county or district, it will be filed locally but transcribed through into a computer in Toronto, so that we will have a central system. Mr. Russell may have been talking about that, but that does not relate to the administration of justice in the judicial or court sense.

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MR. MAGONE: Isn't this personal property æcurity in respect of automobiles, official records?

MR. DICK: It applies to all personal property security, but automobiles are the bulk of the personal property security.

MR. MAGONE: That is all I have.

DR. FORSEY: So that it is quite inaccurate to talk about transcripts being provided in English for the higher courts.

Actually the official record is in English.

MR. DICK: There is no translation process. They are in English when they come out of the trial court.

DR. FORSEY: For the reason that Mr. Seguin mentioned.

MR. DICK: They come to the Court in their original form, which is English.

DR. FORSEY: But the actual oral question may be put by the interpreter to the



witness.

MR. SEGUIN: It is put to the witness through the interpreter.

DR. FORSEY: If I were a French-Canadian speaking no English and you were examining me, you would put your question in English, and the interpreter would then say:

"Mr. Seguin vous dit --".

MR. SEGUIN: Then he gives the reply back to the court stenographer in English.

DR. FORSEY: Exactly, so that the whole record is in English.

MR. SEGUIN: That is right.

MR. DICK: The official system is

English. What we have accomplished by the

appointment of bilingual officials, judges and

magistrates, is to simplify the system in other

than the official judicial process.

In other words, for instance a

Sheriff who is bilingual and dealing with these
matters in his office, he is capable of dealing
in a much easier fashion.

I have just sat in at a trial at

Cornwall, for example, and there is quite an

exchange often between the magistrate and the

people in the court room in French. This does

not go in the court record in the formal way.

There is frequently an exchange in French which

may be translated and put in the record in English,



but it arises very informally by the Court.

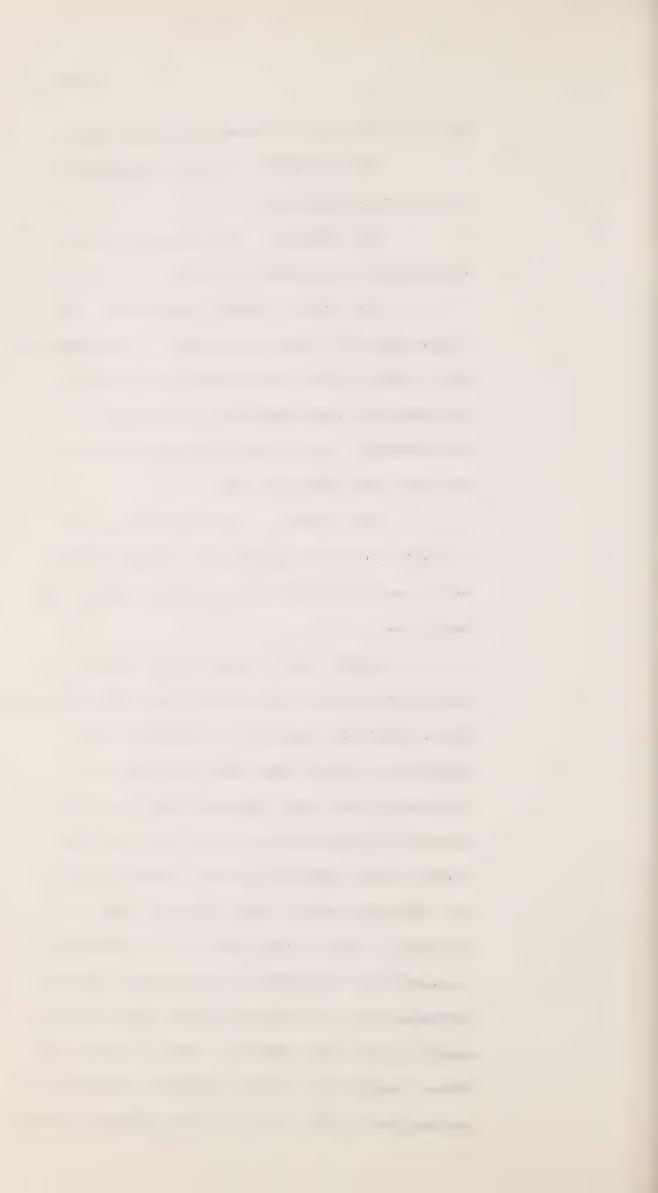
DR. McCARTHY: He is acting as assistant interpreter.

MR. SEGUIN: He talks for five minutes and the answer is "Yes".

MR. DICK: Freely translated. As
I say, none of this is official. Bilingualism
we do have in our appointments, but there is
no change in the transcript or official
proceedings. It is still required to be in
English under existing law.

MR. POSEN: In other words, all translation that is going on is being carried on by the interpreter in the court room at the very time.

earlier before you arrived when we were discussing this, about the legality or validity of an assessment notice that might be issued in bilingual form, say, from Eastview, and the question of whether or not the Eastview City Council could issue assessment notices in the two languages without any authority from the province; and if this were to be contested in a court and, for example, the English version differed from the French version, how the Court would resolve the problem. Would it accept the French version as a legal version? Would it automatically rule it out on the assumption that



the language had to be in English, when it came to a point of dispute?

MR. DICK: It is obvious there is an awful lot of reading to do on that, but my own reaction would be there is only one version would be acceptable, which would be the English, in the event of local affairs. The French portion would in all likelihood be deemed to be a courtesy and informative advice for the convenience of the residents of that community.

PROF. FOX: In other words it would be a privilege and not a right?

MR. DICK:: I am afraid that would be the situation.

DR. FORSEY: This confusion seems to me to go beyond the reply that you gave, because the question as I understand it had two branches to it. First of all, could the Eastview City Council issue assessment notices in both languages without express permission from the Minister of Municipal Affairs or some government department?

MR. DICK: I don't know about their internal arrangements in the department, but I do not think there is any law that would prohibit the giving of official notices in the language of our jurisdiction which is English, and attached to it a translation into any other tongue.

MR. MAGONE: You could do it in Italian.

MR. DICK: We do this freely in our jails.

DR. FORSEY: There is nothing to prevent Eastview City Council from issuing the notice in both English and French if it wants to.

MR. DICK: I think this is done. I do not know about assessment notices but in some cases in Ottawa there are frequently all sorts of documents that are translated and attached to the English version.

DR. FORSEY: The answer to that branch of the question seems to me to be "Yes, that the Eastview City Council has the right to issue notices in both languages if it wants to.

Now, the second part of the question is that the English version alone in case of dispute would be regarded as having legal validity.

MR. DICK: It would, but if we are getting down to semantics, I would not say it has the right to issue it in both languages.

I think there is a subtle distinction.

MR. SEGUIN: Yes.

MR. DICK: They have the right only to issue notices which must be in the official language, i.e., English; that is their right. If they want to add something to that, it is their privilege, but I wouldn't say they have a right.



DR. FORSEY: I would say, on the contrary, if I may venture to dispute the matter with such an eminent authority, I would say that on the contrary they have a duty to issue the notice in English but they have a right to issue a translation if they want to. It is not a question of somebody having to give them permission; they have that right. There is nothing to prohibit it.

MR. DICK: I would have to go back to Fowler's English Usage.

PROF. McWHINNEY: I would be more interested in asking, if there is a duty to issue it in English, whether it is not subject to a natural justice consideration. There is nothing, I take it, in the statutes establishing an assessment power, for example, stipulating any language. It would be natural justice requirements.

MR. DICK: No, I think it would be the Judicature Act more than that.

PROF. McWHINNEY: It would be the Judicature Act?

MR. DICK: I think so. I think by analogy the provision of the Judicature Act applies to all statutes with a legal connotation. So that if statutes in this province provide a judicial or legal provision by which a notice is



given and you depend on that notice, I think the Court would quite properly go back to the provisions of the Judicature Act if there is no express provision by that Act, by analogy, so that the official language in this type of legal proceeding would be governed by the Judicature Act.

PROF. McWHINNEY: Outside the Judicature

Act there would be the natural justice type of

limitation nonetheless.

MR. DICK: In the absence of a provision to the contrary.

DR. FORSEY: I am a layman and have no right to speak about this, except in relation to the question I originally put to the Deputy Minister of Municipal Affairs. As I recall it, it was something like this. If Eastview wanted to issue these assessment notices in both English and French would it, in issuing in French, be depending on some kind of letter from the Department of Municipal Affairs saying: "All right, you can go ahead and do it"; but the Department of Municipal Affairs later on, with another Minister or Deputy Minister may come along and say: "No, you cannot do it any more". But it seemed to me that the common law principle is that what is not forbidden you have a right to do. They could perfectly well do it unless

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there was something in the Act that says you must issue that notice in English, they could issue in both if they wanted, and it would not depend on whether someone in Toronto said "Yes" or "No".

DEAN LEDERMAN: I think you are agreeing with one another.

THE CHAIRMAN: How would the issue be contested? How would the matter come before the Court?

MR. PERRY: By simply asserting this was a purported document which they refused to recognize that they had received.

DEAN LEDERMAN: You might be appealing the assessment.

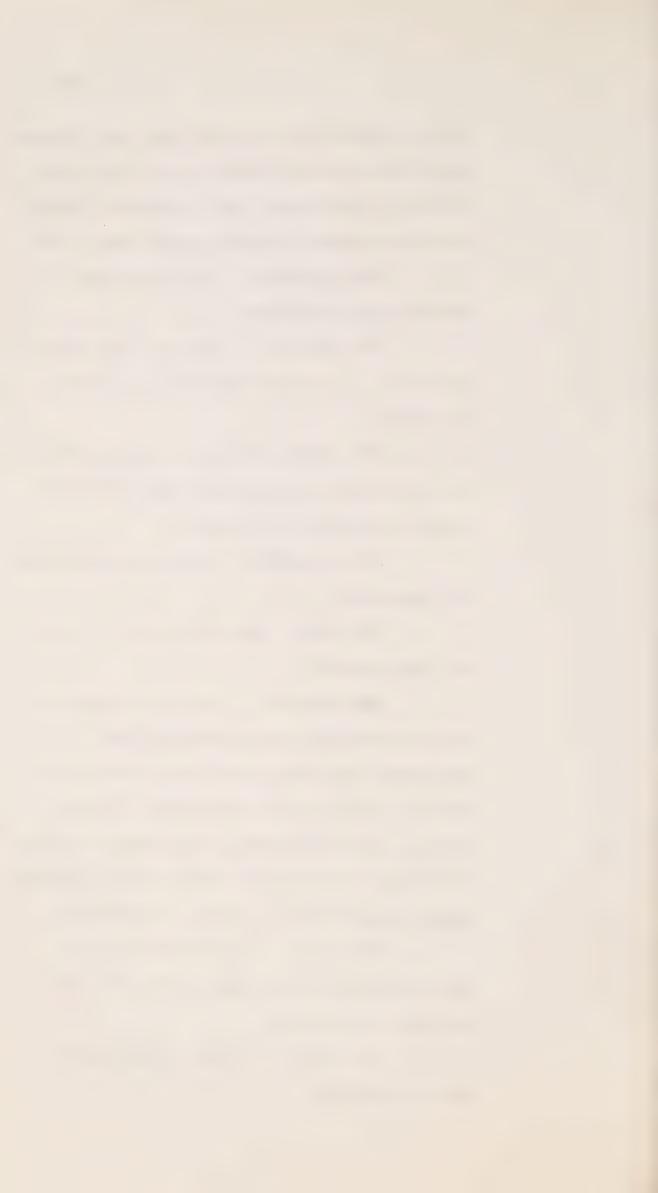
MR. PERRY: They might say: "I have not been assessed".

THE CHAIRMAN: This is only additive and not restrictive, and presumably what information one receives and one is entitled to receive is the notice of assessment. Whether it has a little Expo thing in the corner or some other form of decoration, three or four languages, surely is irrelevant to the act of authority.

PROF. FOX: The question is how this is interpreted if somebody disputes the wording of the notice.

MR. PERRY: On what grounds would this be disputed?

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PROF. FOX: In the Fulton-Favreau discussion a clause was very nearly approved that says that the Act as phrased is valid in either of the two languages. This is a very different situation from saying it has to be in English.

MR. DICK: This raises the other point inherent in this whole thing. Any lawyer will agree that if a statutory form of notice is prescribed and say in the statute it is prescribed in English, and the municipality takes that position of inter-lining with this version the French version and by that means alone you then turn the notice into something that is undecipherable and it is substantially different in appearance and form from the statutory provision, the lawyers would have a hey-day, so to speak, if the proof has been mutilated by the form. I think there is an inherent issue when people start taking a legal notice with legal connotations and translating it, treating it a little different from the original; this gets pretty hairy.

PROF. McWHINNEY: It might be best to make the facultative power statutory-based, to give it a statutory base to make assurance doubly sure but it would only be really on the basis that communication in more than one language created confusion and did not properly



communicate the assessment, that an objection was raised in the second case.

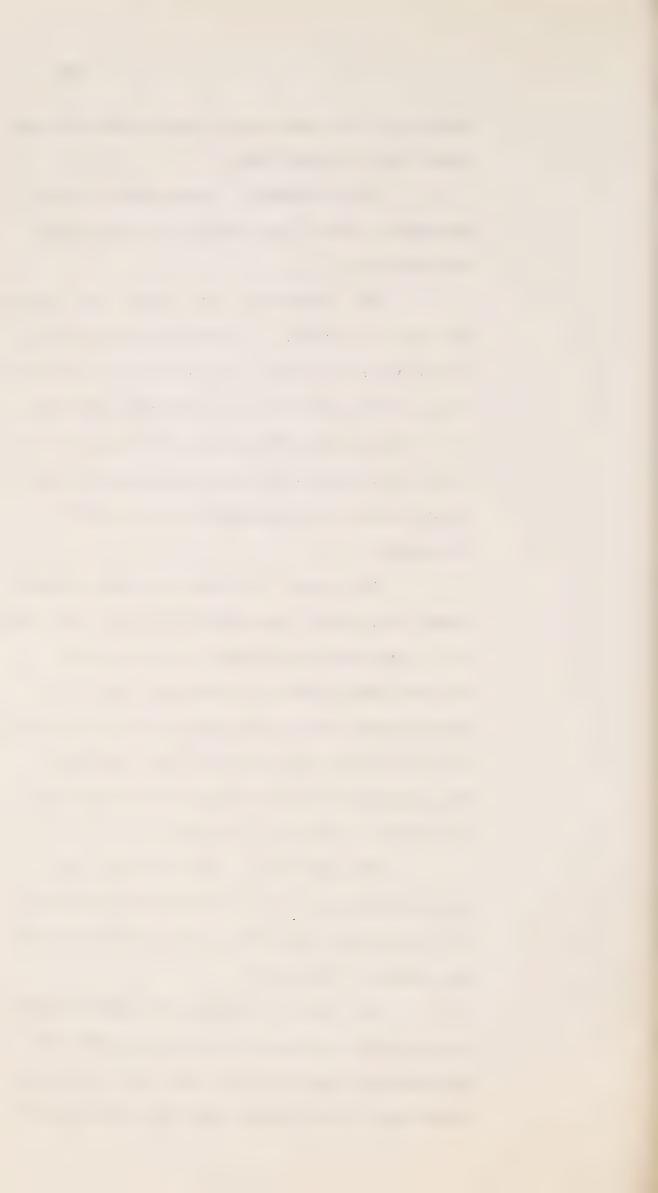
DEAN LEDERMAN: Anyway when I see my assessment notice I go straight to the figures, not the words.

MR. STEVENSON: Mr. Dick, one question that came up earlier. I take it from what you said that in any event you could not put a notice of any of the kinds that we have been referring to in French only which later, if it came to the courts, one could translate and have some kind of certificate of translation for the court proceeding.

MR. DICK: It is hard to make a blanket answer on a rather hypothetical question like that, but in any specific instance if the statute required that a notice be made and there is a form attached (as in most formal notices I think) then that notice would have to be in English. The provision of that in French only might well be a defect - would be a defect.

MR. STEVENSON: What about the case where you may have some kind of notice which may not be statutory but which perhaps could be used in a court of law after?

MR. DICK: I think there French would be acceptable, because it is only required that you gave the thing in such a way that the person receiving it would likely have full knowledge of



what the message was. So you might be in a better position with someone knowing them to be French. This is getting outside the ambit of statutory and legal admission which is governed by the Judicature Act or statutes.

MR. STEVENSON: Presumably some of the documents that a municipality may issue are not statutory.

MR. DICK: I would think so. I don't know what I send out in my own department.

THE CHAIRMAN: This is in a different realm, but as I understand it, are there some laws now which oblige certain safety regulations to be printed in languages which will be comprehended by the group working in those jobs?

MR. DICK: I don't offhand know of any. I am not familiar with this, quite frankly.

THE CHAIRMAN: I seem to recall reading something of this matter.

MR. SEGUIN: You mean the Highway Traffic?

THE CHAIRMAN: I was thinking of on construction projects, in factories or areas where safety was a matter of communicating.

MR. SEGUIN: The only thing I know is presumably under highway traffic, in certain areas where the municipality will ask -- for instance, in Eastview the signs "Arrêt" "Stop"

are bilingual, and in lower town in Ottawa the approaches to the bridges to Hull are also bilingual, but that is permitted by letter from the Minister.

PROF. CREIGHTON: Could I ask how many county court Judges are bilingual?

MR. DICK: Itthink it is on a list

I have got. I would say half a dozen off hand.

PROF. CREIGHTON: They are established where, what counties?

MR. DICK: In North Bay and Nipissing - shows how restricted my practice is to Toronto area now.

MR. MAGONE: Cochrane, Sudbury.

MR. SEGUIN: Temiskaming there is one, Nipissing, Carleton.

MR. DICK: I am trying to think of the names.

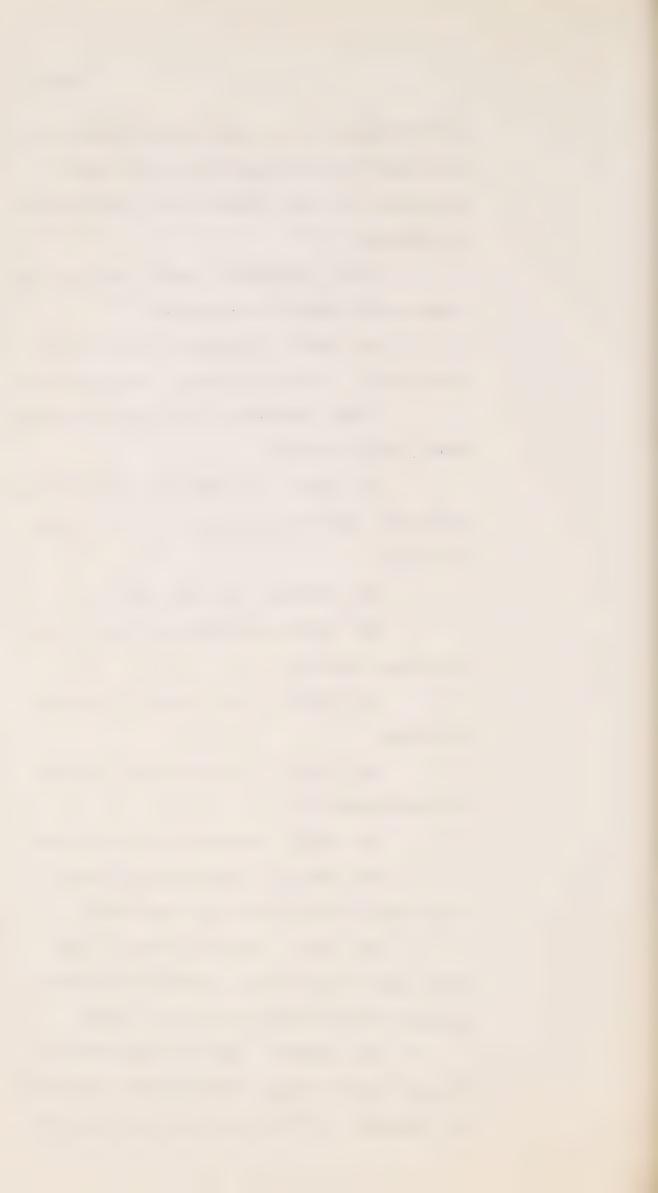
MR. SEGUIN: But this note here must include magistrates.

MR. DICK: Magistrates are included.

MR. SEGUIN: Because there are not four county judges in Prescott and Russell.

MR. DICK: Fourth or fifth column over, this is magistrates' offices which would include the magistrate if he is bilingual.

MR. SEGUIN: But the magistrate must be shown under "Judges" there because the number is too high. In Prescott I am sure they have



not four county judges.

MR. DICK: This is judges and staff. This would include the county Court Clerk.

MR. SEGUIN: Yes.

MR. DICK: Who may be bilingual as well as the judge.

MR. SEGUIN: And it could include Crown Attorneys.

MR. DICK: I think that is one of our real problems. We do not have very many bilingual Crown Attorneys. We have several Crown Attorneys who have an understanding of the French language -- Sam Caldbick and Percy Milligan - but I would not consider them bilingual.

MR. MAGONE: I wouldn't either. Sam Caldbick is still Crown Attorney in Cochrane?

MR. DICK: In Timmins.

MR. MAGONE: MacDonald is now in Cornwall?

MR. DICK: That is right. He has an understanding of the French language but he certainly is not bilingual.

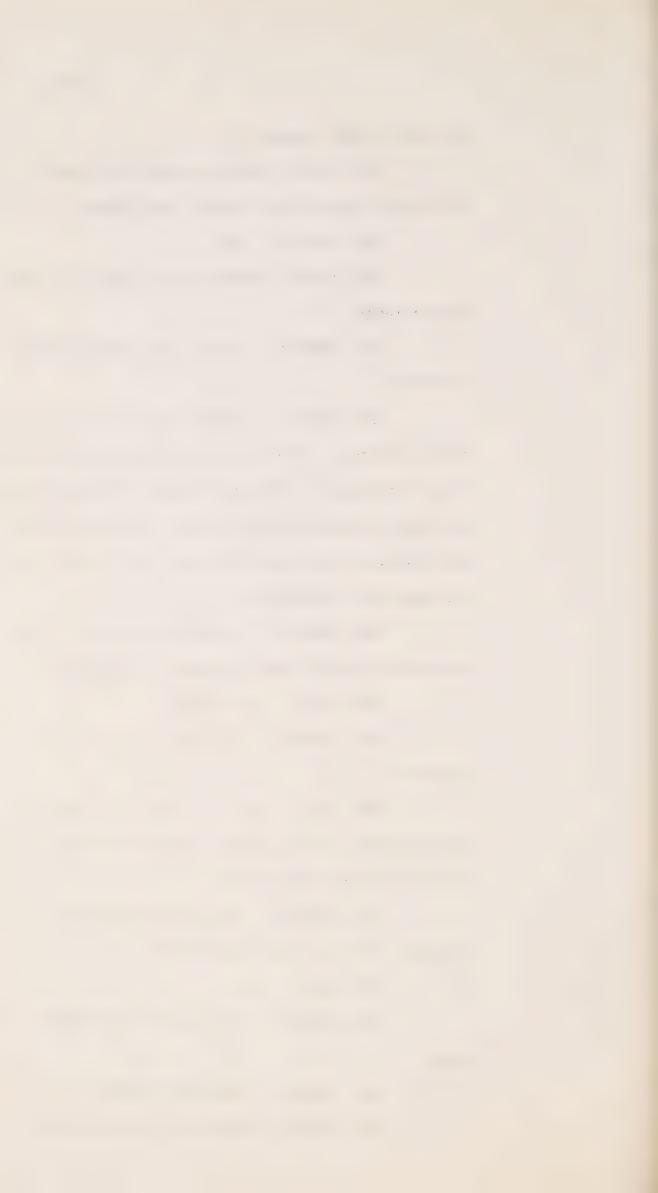
MR. MAGONE: What about Cassels in Ottawa? He is in the same boat?

MR. DICK: Yes.

MR. SEGUIN: There are a few French ones.

MR. MAGONE: Assistant Crowns.

MR. SEGUIN: They have a second chap



in Carleton.

MR. MAGONE: Burbidge in Sudbury is not bilingual. You were remarking about notices in these construction projects. I don't know whether it is statutory but I know in these projects where there are a large number of Italians working ---

THE CHAIRMAN: That is what I was thinking.

MR. MAGONE: They do post up notices in different languages.

MR. DICK: We do this in our department, for example, in the legal aid department, and in reform institutions, notices in jails, respecting the availability of legal counsel, rights of individuals. I think in the Don jail they are printed into six languages and posted handy in this form, but this is for information, not a legal requirement.

MR. STEVENSON: One question came up this morning when we were discussing municipal affairs on the question of council minutes. In a number of municipalities the discussions are entirely in French but the minutes are in English. It came out that normally they do not like to have these minutes in English, except when a case comes up before the Municipal Board or there is some kind of judicial dealing in connection with the minutes.

Would you think in that kind of position, from the legal side that one could not translate the minutes unless an occasion arose when an English version would be required?

MR. DICK: If you are talking about legal translation, you could not proceed with it in French because I don't know how you would litigate it if they were in the French language.

MR. SEGUIN: Even the School Board in Prescott and Russell, where the entire School Board is French, the minutes have to be kept in English.

MR. STEVENSON: If the discussion is in French, then presumably when the minutes come out in English it is a translation?

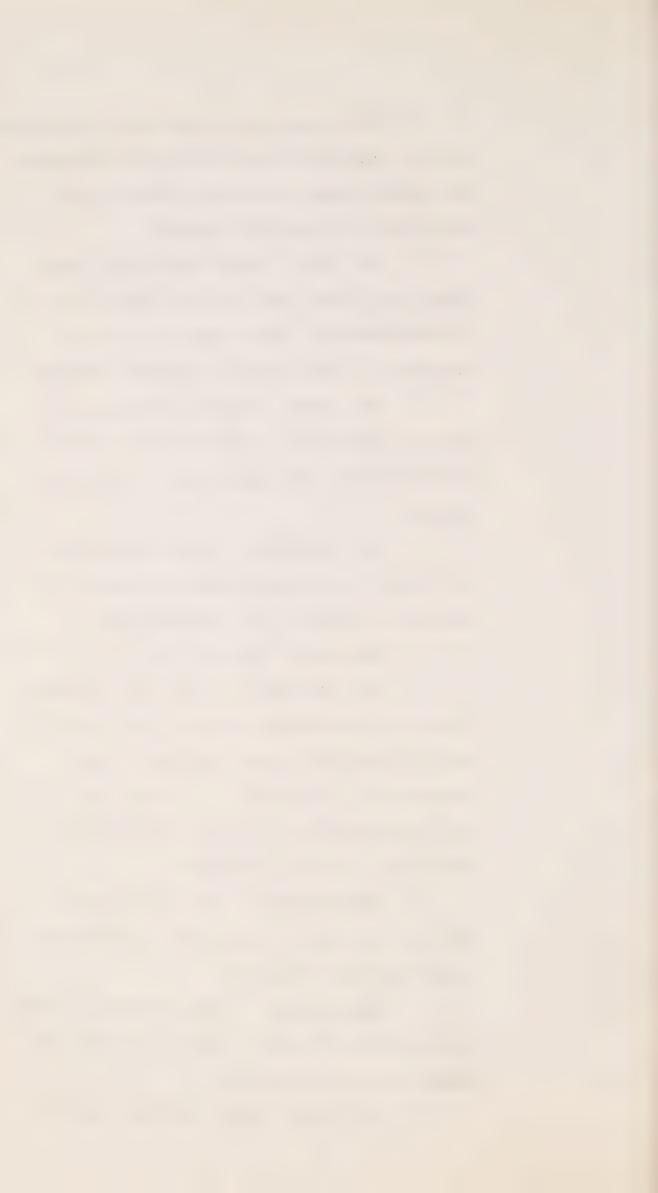
MR. SEGUIN: More or less.

MR. STEVENSON: It is just a question of when the translation is made, right after, or can it be made at a later time when it might be needed for litigation? I presume only a small proportion of all minutes would ever be involved in judicial proceedings.

DEAN LEDERMAN: It is not a minute until you have got it in English. You have to report meetings in English.

DEAN DILLON: Surely the minutes have to be proved in the Court normally and they are proved as written in English.

MR. PERRY: Another relevant question



is what is the practice regarding having interpreters in the Court? Are these permanent officials in the Court or are they hired simply for a case in which French is likely?

THE CHAIRMAN: Or any language.

MR. DICK: We have some salaried interpreters, Mr. Chairman.

MR. PERRY: They are employees?

MR. DICK: It depends. In Metropolitan Toronto I think we have two or three in
the Metropolitan Magistrates' Courts on salary
at the moment. We have quite a number of
others who are on fees.

PROF. McWHINNEY: What languages, basically?

MR. DICK: Italian is one of the most prominent at the moment, and German.

MR. MAGONE: You have an Italian magistrate.

MR. DICK: Gianelli. We have many interpreters that are not on salary but are available, but as their work in the courts increases to the point where their fees approach the salary, we hire them and put them on salary. In other areas they are not on salary. We know that interpreters, if they are required in the court, they are available on short notice and provide their services on an hourly basis.

MR. PERRY: Do you find that is a fairly



viable sort of arrangement, or does it present great problems? Does it meet the requirement for interpreters?

MR. DICK: It is very viable so far as providing the service. We have no difficulty so far as I know. It has not been drawn to my attention that we have had difficulty in getting interpreters.

It is not a viable arrangement in the sense of the satisfaction in the proceeding.

It does sometimes create difficulty where there are interpreters and the parties do not know what the answer is being given. This is inherent in the interpretation procedure.

MR. PERRY: I was thinking of the problems and meeting your responsibility.

MR. DICK: In the case of interpreters

I think it is a lot easier than in the case of
getting staff. I do know I have been advised

there is difficulty, for instance, in getting
bilingual lawyers. I would have difficulty

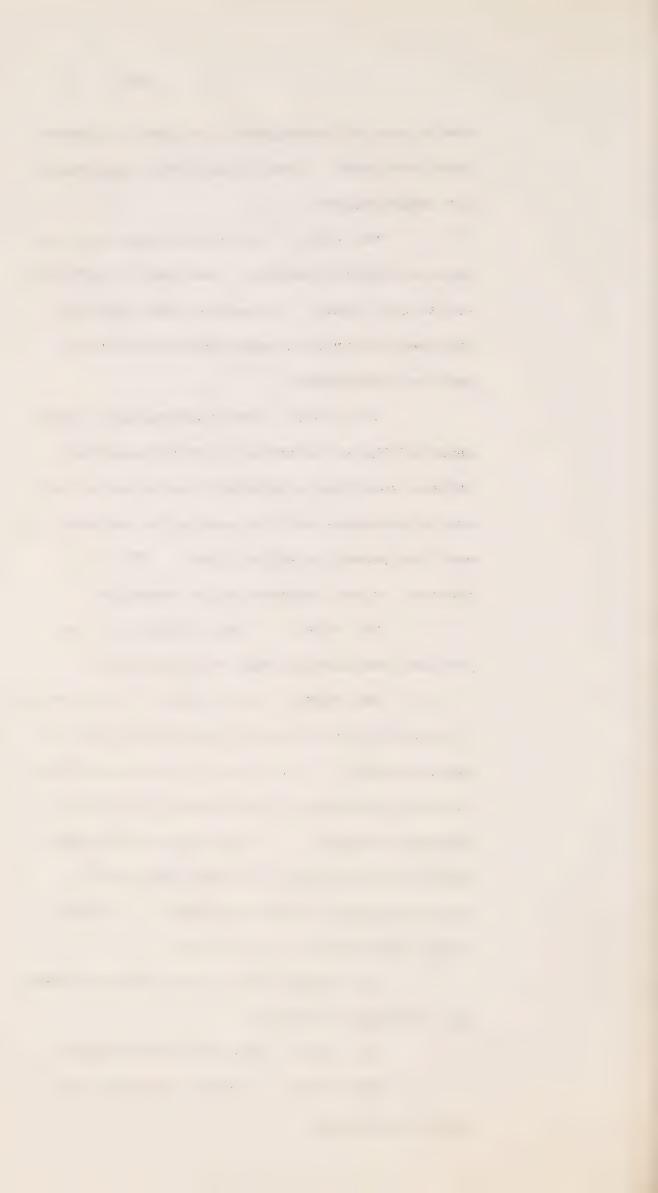
today, for instance, if I were going out to
recruit bilingual Crown Attorneys. It does

create difficulties in that area.

DR. FORSEY: Why is that, because there are not enough lawyers?

MR. DICK: They are not bilingual.

DR. FORSEY: Or the salary is not attractive enough.



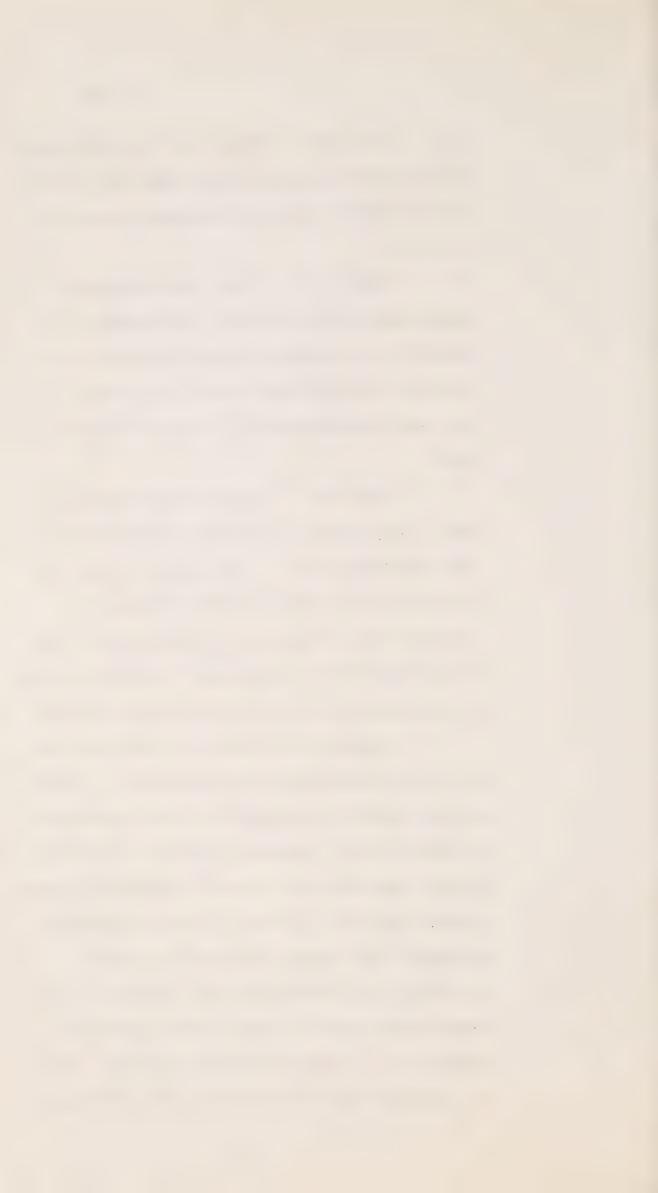
MR. DICK: We have not had difficulty in my own office in recruiting competent lawyers, but to recruit a competent bilingual lawyer is a problem.

PROF. FOX: Does the provision of interpreters involve delays? For example, if someone is on a charge before a Magistrate and you have to provide an Italian interpreter, is this done instantaneously, is there a remand or what?

MR. DICK: In those areas where you have a large volume of various languages it is done instantaneously. As a matter of fact it is usually done before the trial because the Crown will have knowledge of the problem of the accused and it will be drawn to his attention and he will arrange to have an interpreter provided.

However, it is more difficult when you get to the translation of the statutes. Again, we had this in the discussion at the conference on constitutional amendment, because I think we are all aware that the literal translation of the English statutes into French does not sometimes accomplish the purpose that may be desired.

You do get into differences and nuances in the translation, which can have a very significant effect in the connotation of the statutes. This is something which in this whole area relating to



the administration of justice, particularly from statute law, it has become quite a problem.

MR. SEGUIN: There is no difficulty with interpreters in Ottawa, because we use extensively law students. If the regular ones are occupied, you will get a law student.

PROF. FOX: On your point about translation, I suppose you mean while the case is being litigated in court there might be a dispute?

MR. DICK: No, not particularly that as the other instance, if you want or were contemplating going to a full bilingual system, that this is something that would need to be given a lot of thought.

MR. STEVENSON: Mr. Dick, to take any steps towards full bilingual system or even more bilingualism in any of these areas, one requirement would be a change in the Judicature Act, is that right? Or would you need this change?

MR. DICK: It would be more extensive to go to a bilingual system, say, in a district system. The administration of justice is not a localized thing in the way it is segregated from the central agency. All your appeal system comes to the Court of Appeal in Toronto. Your appeals from a magistrate, summary conviction matters, may be by way of trial de novo before



the local County Court Judge.

So when you talk about a district,
you have to talk about having bilingualism in
that district, you have to correlate and integrate
that with your non-bilingual areas that may be
involved in it.

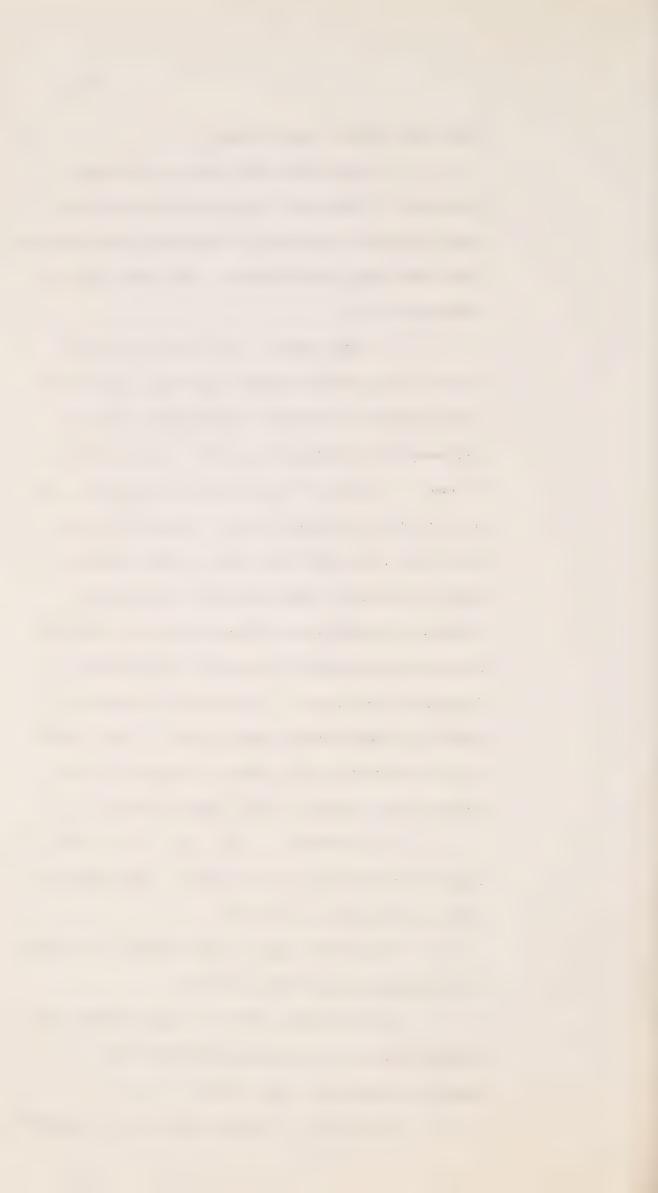
record, the nature of your pleadings, and there are remarkable practical difficulties when you get away from having it as what I must admit it is now -- a sort of convenience arrangement, and put it on an official basis; because you are faced, as I am sure they are in many areas of Quebec obviously where you have an English-speaking defendant and French-speaking plaintiff and they each want to proceed in their own language, and so on. All these things would have to be differently dealt with. They would not be covered by one simple amendment to the appropriate section of the Judicature Act.

MR. FARRELL: May I ask if you know what the situation is in Quebec? Can cases be tried in English or French?

MR. DICK: As I understand it -- I have never practised in that province.

MR. FARRELL: How do they resolve the problem there of an English plaintiff and a French defendant or vice versa?

MR. DICK: I don't know how it operates



in practice but Mr. Seguin perhaps knows.

MR. SEGUIN: The stenographer has to be bilingual. As one witness might speak in French, the record will show French and so on.

PROF. McWHINNEY: It creates
difficulties because it is difficult to find
bilingual stenographers as a practical matter.

MR. FARRELL: The case goes forward to a higher court ---

MR. SEGUIN: The Court of Appeal, you see, is composed of mostly French judges and the English-speaking judges all speak French in Quebec and they all understand it very well and some of them write it very well. Then it goes to the Supreme Court of Canada where there are three out of the bench of five that sit on regular cases - three out of the nine.

MR. FARRELL: Do the proceedings have to be in French?

MR. SEGUIN: If you represent a French client your Writ might be in French, the defence might go in in English and so on. It is actually really bilingual.

PROF. FOX: How do they do this in the actual proceedings, in exchanges and so on?

Are the remarks translated by an interpreter?

MR. SEGUIN: No, the remarks would not be translated. Your lawyer would have to explain to his client what is being said by the



witness.

PROF. FOX: So the lawyers really have to be bilingual.

PROF. McWHINNEY: I think the right might exist but it is not necessary to **Xercise it.

MR. SEGUIN: You can get an interpreter if you want to but it is not done very often.

PROF. McWHINNEY: Very incompetent lawyer who is not proficient in both languages - in Quebec I mean.

MR. DICK: I am glad you qualified that. I was in trouble for a minute.

PROF. McWHINNEY: It is a matter of survival. Certainly in Montreal you could not possibly handle litigation if you did not have both. John Turner when he came back learned French. He just couldn't survive.

MR. SEGUIN: Challies is fully bilingual. I was in the army with him for four years and he spoke French very freely.

PROF. McWHINNEY: And Hyde too.

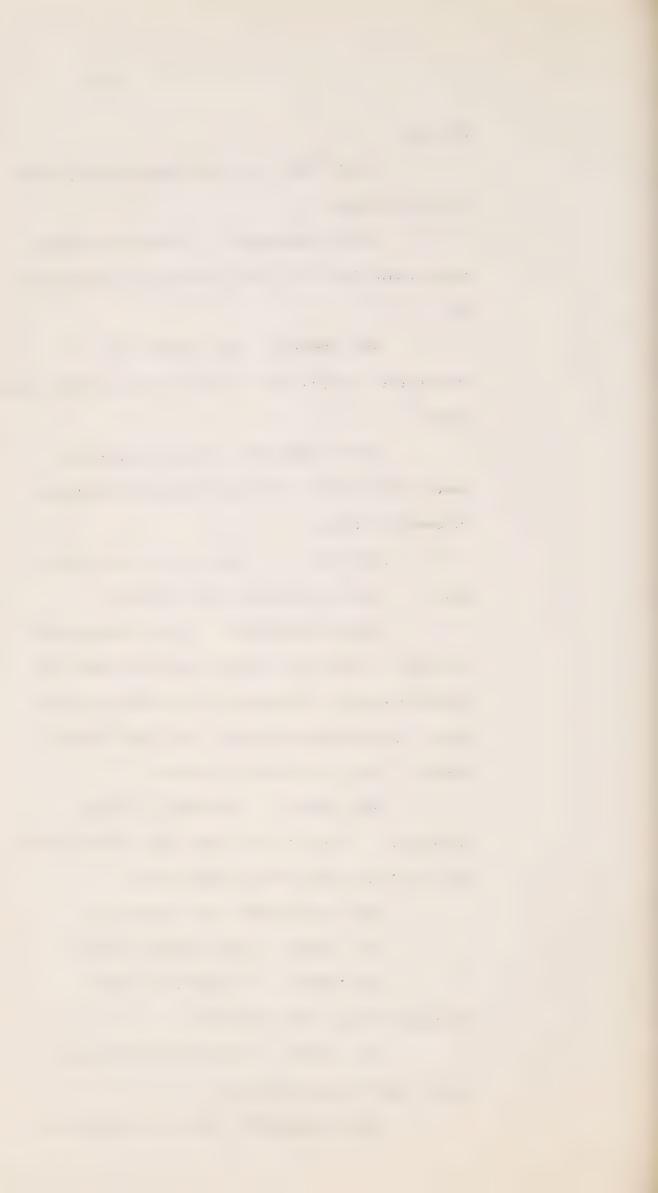
MR. SEGUIN: Hyde speaks French.

DR. FORSEY: I didn't know how bilingual George Challies was.

MR. SEGUIN: He is very bilingual.

He can read French very well.

PROF. McWHINNEY: He can be witty in



French, which is the ultimate test.

THE CHAIRMAN: Time is drawing on.

Are there any other matters of a specific or perhaps of a general nature that we want to consider on this matter, for either Mr. Dick,

Dr. McCarthy or Mr. Rathe. You really haven't had an opportunity to say too much, Ted. While you are here, would you like to say a bit more about the progress of your efforts.

MR. RATHE: I think certainly we have launched a number of programmes in the last few months, and some of the details are known to some of the members of this Committee, since at least two of the programmes launched involve members of this Committee.

At the University of Western Ontario

we have established what I hope will be a

pilot project for a scholarship programme for

Quebec students to come here to do advanced work.

There are four students who will be coming

starting this summer, to do advanced degree in

the Faculty of Applied Science at Queen's

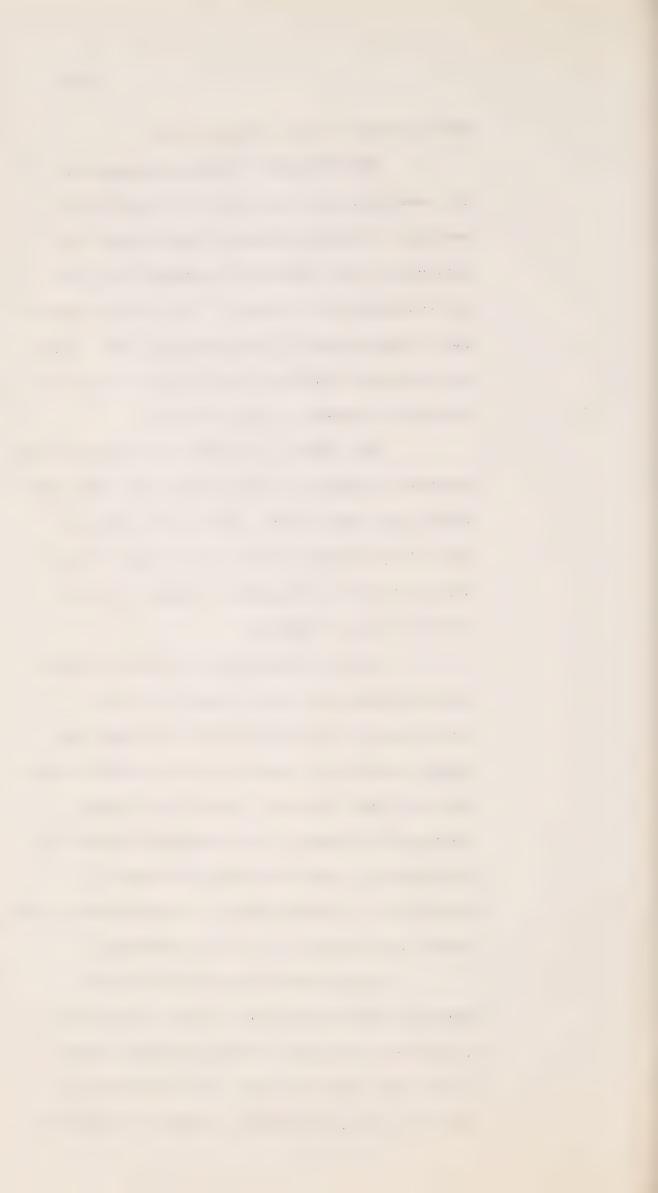
University. We are making a contribution to the

seminar on "Quebec Politics and Society".

We have been able to send the St.

Michael's Choir School on a tour of Quebec and
it involved these boys living in Quebec homes,
so that the experience was: very definitely a
bicultural one, and we had a letter filled with

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enthusiasm from the Director of the School.

These are some of the programmes which have been started. My hope is, of course, that we will eventually enter into agreements that will involve teacher exchanges and a really broad scholarship programme. Certainly the indications are that Quebec is most anxious to enter into such an agreement with us, and it is simply a question of working out the details.

The other important question that will interest this Committee, I think, is that we have launched an investigation to be directed by a group at the University of Ottawa in co-operation with people at Sudbury, and they call themselves the "Franco-Ontarian Cultural Sub-committee". Since, of course, the section of the Department of Education for which it is my responsibility, is going to be concerned very much with the Franco-Ontarian section of the population, we felt it necesary to find out just simply what the needs were, and to get some very definite information about where money could best be spent. So this investigation is under way now, and the minority groups right across the province are to be studied to see just what can be done in terms of various cultural manifestations, art exhibits, film exhibits, theatre tours, by Quebec companies or French companies; and the whole question, of



course, involved in it, is the situation of the Franco-Ontarian minority, and education will undoubtedly be involved although it is not strictly within the terms of reference.

Another happening that might interest this Committee is that there was a meeting of the Association Canadien des Educateurs du Langue Francais, which is the group representing teachers of the country who teach in French. They invited teachers of French from across the country to a meeting in Montreal last week, and as the result of that meeting action is under way to establish an association of French teachers across the whole country at all levels. As you know, such associations exist in some provinces but not in others. The most revealing fact of all was that there is no association of teachers of French for the province of Quebec, and out of the meeting this association as well is to be established; but there is now, I think, a very real chance that there will be co-operation right across the country for teachers of French, which augurs very well, it seems to me, for the programme of French across the country.

These are just a few ideas and a few events which have been taking place which I think would be interesting to your members.

MR. STEVENSON: Did you get your last year's budget spent?



MR. RATHE: We did indeed.

PROF. McWHINNEY: You have these students coming to Ontario. Will a parallel group of Ontario students be going to Laval or Montreal?

DEAN DILLON: Yes, we had about three of mine.

PROF. McWHINNEY: Is it one for one?

DEAN DILLON: No, it is not. I was

very pleased with the fact that we had any

students, because it was on very short notice.

I think four had expressed an interest and I think

three are going to go.

PROF. McWHINNEY: Are students from Quebec not necessarily studying English; they might be studying business.

MR. RATHE: It is applied science.

They are engineering students in this case.

PROF. McWHINNEY: So it will be two groups of applied science students exchanged?

MR. RATHE: There have been, of course, a number of other activities in the Canadian Education Association. There is the teacher exchange programme we have subsidized to some extent, and in the past there has not been any particular interest from the Francophones. However, I hope it is just not a question of the situation in Quebec at the moment with teachers, but this year they had 90 applicants



a year teaching in another province, and they regard this as very encouraging indeed and they twenty they want. are almost certain to have the/ The desire has always been to have 20 English speaking and 20 French speaking and they have never made it, but this year it looks as though they may make it.

THE CHAIRMAN: Is the budget the same for this current fiscal year as last year?

MR. RATHE: Yes.

THE CHAIRMAN: You managed to spend it in three months.

MR.RATHE: I think it needs to be said that two or three projects were supported which could only be justified in a centennial context.

Large sums of money were spent on the centennial visual art programme of the province and this international sculpture symposium which was mentioned in this morning's paper, large sums of money were spent on this. As I say, I think they are justified in a centennial context but I would certainly not be happy to see the money spent on that kind of programme on a permanent basis.

MR. STEVENSON: To what extent are Ontario teachers' certificate requirements a barrier in the way of Quebec-Ontario teacher exchanges?

MR. RATHE: I would not feel competent to answer that question.



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DR. McCARTHY: There is this new provision which has been provided for a letter of standing to be issued for a teacher coming to practise in Ontario for one year, and then after one year successful teaching a certificate is issued for Ontario.

MR. STEVENSON: Right through the school system?

DR. McCARTHY: There are different qualifications at the different levels and the required degree for secondary school system and so on. If teachers do not have a degree coming from Quebec, they could not teach in a secondary school.

MR. STEVENSON: What about teachers from France?

DR. McCARTHY: They are issued on equating of standing.

MR. STEVENSON: Any requirement to go to O.C.E?

DR. McCARTHY: They are given a temporary certificate for one year to see if they are competent in teaching. After that year they are issued a certificate.

MR. CAMPBELL: There is one point on the Federal Capital District. The assumption in most of the questions seems to be it would be a federally controlled district, and I just wondered if the Committee was aware of the thinking that



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has been going on in Quebec circles about this particular thing, because there have been very sophisticated proposals put forward by certain Quebec departments. Are you aware of that?

THE CHAIRMAN: We have had, Tom, quite a bit of discussion about this and when we met with the Quebec Civil Servants a few weeks ago some of their views were put before us too and we have had a study done on the matter.

We were aware too of some of the technical difficulties, such as the system of law that would prevail and, I take it, in turn the educational system that would prevail.

However, would you care to expand on some of this?

MR. CAMPBELL: The impression I have from some of our colleagues down there is that the idea of a Federally controlled district would almost automatically be rejected by Quebec, but they would be very interested in some kind of a commission that would take in part of Ontario and part of Quebec and be controlled, be given special status where French on both sides of the river would have special status and it would be controlled by a joint commission that would represent Ontario and Quebec and the federal government. This is briefly what is their proposal, and I think they have — in fact I have copies of quite a report.

PROF. CREIGHTON: This is what we have



already, is it not, this report of the Western Quebec Regional Economic Council?

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MR. SEGUIN: No, this is a localthing. He is speaking of the department. This is the opinion which we got when we met in Kingston -- three bodies united into one commission.

PROF. SYMONS: Mr. Chairman, I think it would be awfully helpful to have a copy of that brief.

THE CHAIRMAN: By all means.

PROF. SYMONS: We have not seen that.

MR. CAMPBELL: I have a copy of the same proposals that they made.

PROF. FOX: I wonder if they could be made available?

MR. CAMPBELL: The copy I have has got personal notes, it is marked "confidential" but I will see if it could be made available.

PROF. McWHINNEY: I am sure Claude
Morin would relish some of those notes.

THE CHAIRMAN: I would think,

following our meeting with him. Perhaps the

best thing to do, Tom, to save you any possible

embarrassment, if you let us know exactly what

it was, to go right to Claude Morin and ask him

if he would like to make copies available to us

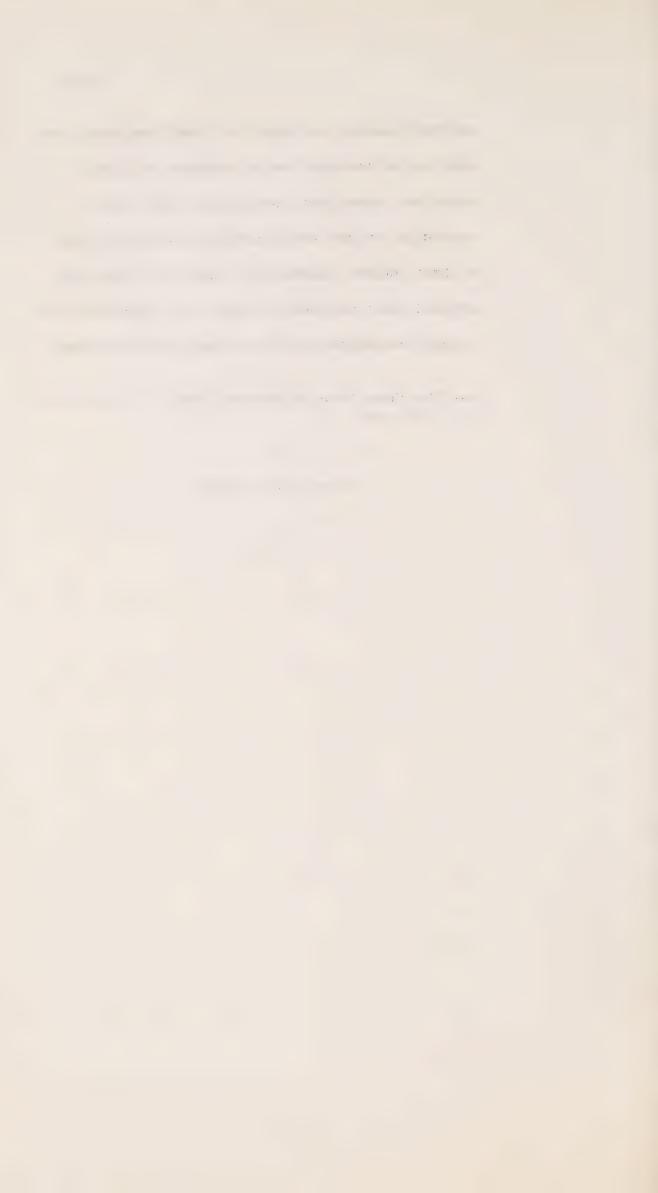
for the Committee.

Are there any other questions for our guests here? If not, I would like to thank

you very warmly on behalf of the Committee for helping us through the discussion of these important questions, and also to say that according to our usual practice we shall have a light buffet luncheon in this room and you are all most welcome to join us -- perhaps some slight recompense for the time you have taken.

--- The Committee adjourned from 1.15 p.m. until 2.30 p.m.

(Page 120 follows)



--- On resuming at 2.50 p.m.

THE CHAIRMAN: I apologize for the delay in resuming, but I think we accomplished quite a bit in the luncheon meeting we have just had.

In the afternoon agenda we proposed several items, the first of which was some further discussion of bilingual districts. I sense from re-reading the minutes of the last two meetings, and from listening to the discussion this morning, that there are perhaps three sets of opinion: a number who would like to see some positive decision in principle taken on this matter now; another group that perhaps feels we have not yet acquired adequate information; perhaps others who feel that this is not a good idea.

In the light of moving this work on,

I wonder if we could have some discussion now on
the question particularly following on this morning's
proceedings, and I would be glad to have any suggestions
that might lead to some positive decision on this one
way or the other, by majority or minority or what-haveyou.

PROF. FOX: Could I make a suggestion as to procedure, Mr. Chairman, just to see how the group would react? In the light of the submission we got, the brief from the Western Quebec Economic Regional Council etc., I wonder if there would be any value in discussing the National Capital Plan first and then going to bilingual districts? The two are mixed



up together, and it is a question of which is the more logical.

PROF. CREIGHTON: It seems to me that after this morning's discussion when we are fresh with all this material, we ought to go ahead with bilingual districts.

PROF. BRADY: Of course, the Capital Plan is raised too. I think that the bilingual district would be very suitable indeed in Ottawa, because it would serve not merely the end of the Franco-Ontarians there but it would also help to create that type of environment in the capital city which Quebec people, French Canadians from Quebec, have so frequently complained about; namely, that when they come from Quebec to Ottawa, to the capital, and they become public servants, for example, they feel that they are going to an alien environment. The bilingual district with its attributes, would help at least to meet this view to some extent. So I think the two matters really are fairly closely related.

THE CHAIRMAN: Well, they are insofar as Ottawa is concerned.

PROF. BRADY: Yes.

PROF. MEISEL: While they are fairly related,
I wonder whether our thinking has not gone a little
further on the bilingual districts than it has on the
question of the capital, in the sense that I had the
impression two meetings ago that we had in fact reached
pretty well consensus. I thought for once the whole



Committee, those of the Committee who were present, seemed to have, I thought, pretty well agreed on the desirability of moving towards the establishment of some sort of districting procedure.

On the Ottawa question I think perhaps there is less agreement, although I may remember the previous meetings badly.

THE CHAIRMAN: Well, I have looked at the proceedings of the last two meetings again in the interval, because there was certainly that impression at the preceding meeting, and then, as Professor Creighton said correctly, at the last meeting we concluded that we should invite in the civil servents this morning and hear their opinion.

I am still of the opinion, as Chairman of this Committee, that the sentiments expressed two meetings ago are appropriate, when I said I thought it would be very useful to muster the opinions of this Committee on this question, because time does go along and events press on.

It seems to me that if we have any sense of direction or any sense of consensus on this matter, it is none too soon to put this forward, or we will be overtaken by the passage of events.

I think it would really be not inappropriate if the view of the Committee by and large (I mean they



may not by any means, whatever we decide may not be unanimous) that we should be able to at least represent to the Government on this question the positions which we see can be taken.

I am sure some right away here would offer the opinion that the proceeding to a bilingual district would be a matter that we wish to recommend to the Government, and others might not. I do not think, as we have said so often, to be held up by the desire of unanimity, that we cease to express any recommendations.

MR. MAGONE: Meaning what, Mr.Chairman?

In saying that the question should be put in favour or otherwise of bilingual districts, is that in the three areas that are mentioned here - judicial affairs, local administration and education?

Are you dealing with them all?

THE CHAIRMAN: At the February meeting Dr. Forsey said:

"I mean, I think it was quite clear

"this afternoon that in general we were

"in favour of this idea of applying

"some degree of official bilingualism

"at any rate to certain of these districts

"with 15 per cent and up of French
"speaking population; and that it was

"a matter of working out ways and means

"and considering what was feasible and



"how fast it could be done."

Presumably one would start from the general

principle and specify what degree of application
this implied.

MR. MAGONE: Insofar as the judicial affairs are concerned, the question is whether or not - to use a word that is used around this table very much or in reports - it is pragmatically possible.

We have to face up to the question in relation to court proceedings, whether it could be done in the next 50 or 100 years; one of the difficulties being not only in securing the personnel in relation to the cost and also to the fact that in every indictable case an appeal may be had to the Court of Appeal for Ontario which is not equipped to deal with a record in French. Indeed, also on appeals from summary conviction matters the appeal is to the County Court Judge and is not really an appeal; this is a trial de novo that takes place before him, and the appeal from there is to the Court of Appeal.

Now, it has to be done on the whole level. In other words, you have got to come to the conclusion that we must be able to deal with these matters as they are dealt with in the Province of Quebec; it means that you have to have a completely bilingual court to deal



with them.

Now, insofar as the local administration of municipal affairs is concerned, I will leave that to somebody else to deal with. I think they are two quite separate and distinct questions.

In connection with judicial affairs, we have an extremely large ethnic group in this province, neither English nor French, that should be considered to some extent.

PROF. CREIGHTON: You invited opinions,
Mr. Chairman, perhaps I ought to give mine.

I think I am to a large extent responsible for
suggesting and persuading the Committee to adopt
the idea of inviting the Deputy Ministers to
come this morning, on the ground that I thought
we ought to have more information about how
these things were actually carried on, before we
reached any decision in principle.

We have now had their evidence.

I came to this meeting, I confess, opposed to the ideas of bilingual districts, and I must say that I feel that every bit of evidence we have had has strengthened me in that opinion, rather than qualifying it.

It does not seem to me possible to do substantially more than the Deputy Attorney General told us this morning was being done in the courts in the administration of justice, to provide facilities for the French-speaking



citizens of Ontario, without going to the extreme limit of making this an officially bilingual province. That, I take it, is a kind of judicial revolution in this province, to which I am totally opposed.

I think you could extend this, it may be necessary to extend it, but I am bound to say that I did not hear much evidence that this was either necessary or desirable.

As far as local administration is concerned, from the evidence that we had from Mr. Palmer and from the evidence also supplied by the answers to these questionnaires, it seems evident that there is only one municipality that is, Eastview, from which there is evidence of a thorough participation in municipal government in the French language.

From Mr. Palmer I got the impression that the only town of any importance like Eastview was probably Hawkesbury; that a town such as Cornwall would probably return an answer to the questionnaire very much like the answer from Timmins, that is to say, it would almost be a string of "no's" to these various enquiries.

In other words, if you wish to extend this business, it seems to me it will have to be on what Professor McWhinney calls a facultative thing or an option. I cannot understand exactly how this option is going to be exercised except



through a plebiscite, and if your actual French-speaking population is, well, 15 or 20 per cent, for that region, except in very densely populated municipalities, this, it seems to me, is obviously going to be voted down.

Again, I think that things as they stand provide a good deal of leeway for the use of French in local administration and I do not see why we should attempt to generalize this officially.

I think we would run into a great many difficulties.

must say that I was somewhat surprised and a little alarmed at the idea that the option for the kind of schools that Dr. McCarthy was talking about, secondary French schools in the public school system, which would not likely be very much welcomed for the reasons perhaps of expense in a number of municipalities, should in fact, as it were, be imposed upon those municipalities by legislation which would make it obligatory upon them to supply such kind of secondary school education if the proportion of the French-speaking pupils in the municipality reached a certain percentage of the whole. This seems to me to be very questionable indeed.

THE CHAIRMAN: I wonder if someone will be prepared to take up this proposition, which would help me at least to sort out my thinking on this question and perhaps assist



others.

Leaving aside the problems of means of the kind that Mr. Magone raised, and presuming first of all that we are approaching this in terms of goals or ends, could I go back for a minute and ask what fundamental purpose we are seeking to achieve in this exercise?

Let me say that offhand there would seem to be three possible objectives as a matter of strategy. First of all, we might be attempting this as a demonstration or as a spectacular event (to use the terminology of Kingston) of the willingness of the Ontario Government to recognize the other culture in the country and thereby, in demonstrating that degree of goodwill to Quebec, to work for further strengthening of the bonds of the country; or, secondly, are we contemplating this in the sense of providing some practical assistance to the Franco-Ontarian community; or, thirdly, are we attempting this in a sense of widening the application of human justice, in which case you go not just into the history of the country, but into the question of serving those of other ethnic background or requirement?

I am sure there are half a dozen other goals that could be put forward here, but if someone could clarify the basis of this discussion for me, I think it would help at least to frame



any proposition that we wished to engage upon.

DR. FORSEY: I should have thought that we were trying to pursue all three of those goals myself.

PROF. SYMONS: Mr. Chairman, are we not by name as well as by function an Advisory

Committee on Confederation? I would agree

with Dr. Forsey that we have a responsibility

to pursue all three of those goals. I would

suppose, however, that our first responsibility

as an Advisory Committee on Confederation was the

consideration of the broad issues of Confederation.

I think it is our first duty to try to the best

of our abilities to give advice and counsel to

the Prime Minister, as he has requested us to do,

on policies and means which will help to preserve

Confederation and which will contribute to it.

I think another consideration which you mentioned, and it seems to me, just as an individual, one of enormous importance - is simply the consideration of justice and fair play.

On these two of the three considerations,

I feel that I must support and support strongly,
as one individual, the movement, when and as
best possible, towards bilingualism in our province.

I think that the very many real problems, administrative and financial, are not at all things that can be brushed aside. I think that there is an enormous amount of detailed work to be done,



and it is a task that involves years of study and implementation; but I think that the first question is the one of great principle, and on that I feel that the principles are clear.

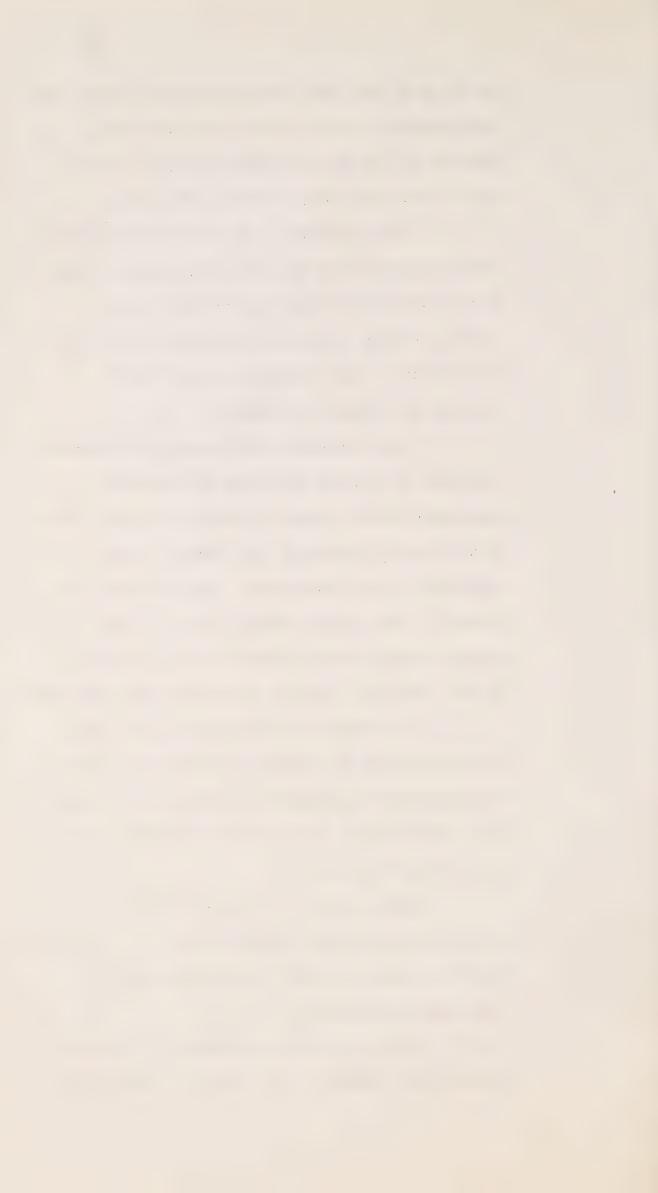
DEAN LEDERMAN: Mr. Chairman, President Symons has expressed my views very well, I think. It is a question of justice for our French-Canadian fellow citizens, and in particular, in the context of this Committee, the French-speaking population of Ontario.

I am conscious that we have a tremendous advantage as English speakers, the English—speaking Canadian group, of which I am one. There is no possible threat to our culture in our existence on this continent; our survival is assured. The problem really is, as I say, justice to the French culture in this country, in this province, in this country on this continent.

It seems to me that we can go a long way to ensuring the survival of the French culture, the French fact in Canada and North America, and that this would be a beneficial thing for all of us to attempt to do.

Now, I say this mainly in terms of permissions, resources, opportunities. I do not say it in terms of great legislative mandates being forced on people.

I was very much impressed by Dr.McCarthy's remarks this morning. He seemed to think that



a great deal could be done in the field of education for the French Ontario population, and I think this can all be done without any prejudice to the basic character of theprovince, and indeed, with benefit to our development as a province.

Dr. Creighton has quite properly raised the point about local autonomy and statute from Toronto telling the municipal councils what to do, municipal school boards. This is the way the educational system is moving anyway, I think. The necessity for the larger school district, the larger unit, is very great, and the larger unit of administration has brought very great benefit to the districts of Ontario, almost revolutionary benefits, outside the main city areas of Ontario. This development is with us anyway, and if it is in statute out of Toronto, I would rather see the statute from Toronto create the opportunity, give the permission and offer the funds; so that if there is extra expense locally, the Board need not worry about that, they need not worry about having to put their rates up if they try this.

Obviously, as a matter of persuading the population and of moving public opinion, the attempt has to be substantiated in the political sense, but I have no doubt of the basic object, that one does what one can do to secure the future



of French culture in this country.

DEAN DILLON: I would just like to agree with the last two speakers, and to perhaps phrase this matter of justice in a little different way.

I think our concern should be with the proposition that the Franco-Ontarian is going to be treated in the same way in this country as the Anglo-Quebecker is, and I think this does not mean any more than has been said.

As far as the bilingual districts are concerned, I learned a lot this morning from our guests. I thought that in the matter of education the Deputy Minister, in stating his personal opinion, thought we could do a lot with some legislation, which I think would be possible if we had the will to create it.

The other factors, I think, the first of which he mentioned being the supply of teachers, was not something which was going to be a continuing problem, and that the other problems of a practical nature could probably be solved relatively easily.

On the question of municipal administration,

I was again impressed with the amount that could

be accomplished. I think that while I

certainly respect the argument of Professor

Creighton, I do not think that if we are going

to take the view that nothing will happen without

a plebiscite, we are not, in my opinion, being

concerned about minority in the province, which brings us back to the original premise which is that I think we are concerned about the minority.

I think the greatest problems which were mentioned this morning seemed to be on the administration of our justice and here it may take 50 years; but certainly it seemed to me from what I heard this morning that the Anglo-Quebecker has a fair shake, and if this system is built up in Canada to protect the rights and privileges of the Anglo-Quebecker, if we want to do the same thing in Ontario we could do so.

MR. MAGONE: Mr. Chairman, I may add that we should not take part in an exercise of futility, because insofar as the administration of justice in the province is concerned, I do not think it is a practical suggestion, for the reasons that I have already outlined.

DEAN DILLON: We respect that, Mr. Chairman, but it perhaps is not practical if we are going to set a time limit of ten or fifteen years, but if we decide to move in a certain direction you might get there.

THE CHAIRMAN: Like moon shooting.

DEAN LEDERMAN: I would think, Mr.

Chairman, the most critical of these items is education, is it not? The translation of documents and services of interpreters and so on, this means that these steps that are being



taken now, while they may not be perfect, they mean there need not be, and in most cases there are not, serious difficulties of natural justice in these processes. I think that is a fair statement, but the critical area is the area of education, and this is squarely within provincial jurisdiction, and so squarely within the ambit of this Committee and of the provincial Government.

PROF. CREIGHTON: If it be concerned with education, where I think perhaps the strongest case can be made, this does not need a bilingual district.

DR. FORSEY: No, in fact it really excludes the idea of bilingual districts, as is stated here, that this area of enquiry differs in that bilingual schools can be applied anywhere in the province, rather than simply of Franco-Ontarians.

DEAN LEDERMAN: It does not need to be tied to bilingual districts; in fact it would benefit from not being tied.

PROF. CREIGHTON: Surely the case for the bilingual district in judicial affairs and local administration is extremely remote as a result of the work we did this morning.

PROF. McWHINNEY: It seems clear your goals that you enunciated, Mr. Chairman, are generally accepted, so your only real issue



is the question of means; and you have the ordinary process of quantification in law and public administration as you do in economics: you balance the amount of investment you have to make in human resources against the results to be attained.

I was impressed, as Don Creighton was, in the local administration area by the fact that so much could be done on the facultative basis and so much had been done, and it is possible all that may need to be done here is for Premier Robarts, assuming he is interested in further steps in that area, to take note of what has been done and say it has his encouragement and blessing.

The other areas, judicial affairs, education, would require something more than this. I think everybody here defers to Mr. Magone's experience in the area of judicial affairs.

One thing I do notice, this thing seemed to work very easily in Quebec, and I wonder in fact if it would mean making in effect -- for example, I suppose at the extreme level you would have every member of the High Court of Justice being bilingual, but I do not think that is called for in this area.

If one were given a particular problem and asked: "Could this be done?", I think I would

want, for example, to look up some of the areas where you do have multi-lingual societies where this problem arises. It arises, for example, in Switzerland, but not every Swiss Judge is tri-lingual. It has arisen in certain other societies. I suspect it could probably be done by an efficient system of translation.

In other words, I am wondering really whether in the concrete it is such a very big problem or would be such a big problem for the Premier to accept in principle and, using Mr. Justice Frankford's phrase, the principle of proceeding with all deliberate speed, to accord facilities for trials in the French language where this is in the interests of substantial justice in the case.

In other words, is that an announcement that the Premier very well could make? I suspect he could, and one could then examine what it meant concretely. I do not think though that it would require a follow-through operation of a nature that you envisage if it were put in those terms.

I agree that we have a huge undertaking in what you have outlined, and on the basis of the quantification we mentioned obviously the goal to be attained would not outweigh the energy and community resources expended, but I think we could achieve this principle with considerably

less investment of resources than that. The test must be that sort of one. Similarly in the education area - again each of these problems should be looked at separately.

I was impressed in local administration, as Professor Creighton was and everybody else, from the answers of the Deputy Minister, with how much can be achieved by saying: "This has our blessing" and letting consensus operate, because that seems to be what has worked in this particular area — where proceedings in French, consensus operated.

In judicial areas, education, substantive local changes may be required, but I doubt whether you have to make the complete investment in judicial affairs, Mr. Magone, that you are speaking about, to achieve a principle of assuring facilities in French in every situation where substantial justice may require. That would be a pretty minimal situation here of a case going all the way up to, say, the Court of Appeal of Ontario. Would you get one a year?

MR. MAGONE: Well, I think you first have to come to the conclusion that the French-Canadian in Ontario is not getting justice in the Courts by reason of the difference in language, and once you say that then that is true of all other ethnic groups - Italian, Slav, you would have to say they are in the same boat and you



are doing nothing for them.

Under the present system I do not think that when the words "justice to the French-Canadian" are used they mean that he is not getting justice in the Courts (that is not the sense in which it is used, as I understand it, by Tom and the other members here); but if you say that it is used in the other sense, then you must then say that the Italian does not get justice because he does not speak the language.

Now, from what was said this morning (I think it was by Mr. Seguin) all judges of the superior courts and probably of the district courts in Quebec are bilingual, but that is a very different proposition for the Province of Quebec. There is an opportunity to practise the language, as you know, Ted, better than probably most of us; that it is not a question of being able to read French, but it is being able to have a trained ear and trained tongue that is important, and there is no opportunity in Ontario generally to acquire that facility in French.

PROF. MEISEL: Mr. Chairman, I would it
like to take/back to the terms of reference that
Tom Symons started with. I think that our duty is to recommend to the Government of Ontario those things which we think Ontario ought to

do to strengthen and possibly protect

Confederation. It seems to me that Canada
as a federal state cannot survive unless the
position of French-speaking Canadians is
re-defined. I think that in the country as
a whole, and in Ontario certainly, Frenchspeaking Canadians have been second-class
citizens in some respects. We have gone
into some of the details over the last few
months. I think that unless this is rectified,
it is very unlikely that we will be able to
continue as a country. Therefore I think
we must try to recommend those things that
can be done to rectify this insofar as this is
possible.

I think we should recognize that if
we are willing to re-define the role and the
amenities which the French-Canadians enjoy in
Ontario, we have to settle some difficult
problems that cannot be settled in five or ten
years; but I think we have to have some
declaration of intent here, so I think simply
to say in each case that whatever we are trying
to do is impossible or difficult will not help
us very much. This is very true. All
historical change of any size has confronted
this, and people have muddled along and eventually
have changed conditions, even though initially
they seemed terribly hard and terribly unpleasant

perhaps.

I think in this area that we have been concerned with this morning, a considerable amount of change is possible without districting in the area of education, and I think a lot of change is being carried out. I would not particularly want to recommend that we adopt the districting approach to the question of the educational system for French-speaking Canadians in Ontario.

In the other two areas, however, I think districting seems to me very promising, although fraught with difficulties. What I would like to do is to adopt for myself in principle the idea that we favour the notion that in the question of the Courts and in the question of local administration, we try to work out the specific measures that might be taken in the short run and in the long run to bring about the creation of equal rights of French-speaking Ontarians with English-speaking Ontarians, by trying to find out how this districting principle might be applied in the long run.

Now, there are a couple of points I would like to add to this in relation to what was said a little while ago. I think the question of the Italians, for instance, and other immigrants or non-French, non-English speaking Ontarians, is really quite a different question.



I think these people have come to Ontario knowing that they were not going to go into a community which is dedicated to the preservation of their own language and their culture. I think Canada is thought of as an English-speaking or French-speaking country, and people who come here, I think, must recognize the idea that they will not be able to continue a life in which their language has the same kind of pre-eminence it had at home. It is not so for French-speaking Canadians and it is not so for English-speaking Canadians.

I think the question of human rights in this sense does not really apply, and I think this is not an applicable analogy.

So I would think that this is really a question of just English and French, and I think we can do a lot both in terms of bringing about substantial improvement inthe position of the French-speaking minority in Ontario and, secondly, also in terms of the kind of gesture that you mentioned, Mr. Chairman, in relation to the Kingston conference. I think both of these are required.

DR. FORSEY: Mr. Chairman, I find myself in the position of agreeing to some extent and disagreeing to some extent with everybody who has spoken.

On this question of the position of



what are called other ethnic groups, I entirely agree with John Meisel. I do not think there is any use talking about the Italians and the Ukranians or anybody else in the same breath as French-Canadians. I think it is just a fact of Canadian history that the English and French speaking people here have a certain position which no other language, no other law, no other set of institutions has: it just happened to be that way. If my Dutch ancestors had won in the war south of the border, it might have been Dutch and French. I think there is nothing to suggest that English and French are superior to other languages or other laws or other cultures, but they are here and they were here at the foundation of this political entity in 1867. The others were not.

Secondly, I should say, on the subject of education, I agree again with John Meisel, and I think perhaps with a number of people here, that this is not a matter for bilingual districts; that it is a matter of making things available throughout the province wherever there are sufficient numbers of Franco-Ontarians, the question of what is a sufficient number being perhaps a difficult one at times but, I think, not insuperable.

I should be inclined to answer the specific questions under that head, head 7A,



not in the sense as a Committee: "Do you favour the provision of bilingual public secondary schools receiving government financial support?" - I would say "yes". We have got the beginnings of it now.

Then I should say, again:

"Should French be the language of
"instruction for all subjects taught
"in these schools, with English being
"taught as a second language?"

And I should say, for the reasons that I think were made clear this morning by a number of people, "Yes, if that is what the Franco-Ontarians want, to the extent that they want it". I think this is essential for them to say, in view of the special position, as I see it, of French-Canadians in this country.

"Should the establishment of these

Thirdly:

"schools be left to the discretionary

"power of local school boards?"

I should say that I prefer the approach which

Dean Lederman suggested. If it came down to

the final basis, I would say make it mandatory;

because I am afraid in a good many cases the

local school board is going to be your snag,

and if you have got a substantial proportion of

French-speaking people in that community and they

want this thing, that there may be occasions where



they will not be terribly keen on it for one reason or another, but if you have got a specific proportion (whatever you decide it should be) and they want it, then I think, in the light of the larger considerations and in the larger context of Canadian unity, that it is impossible to allow local opinion to rule the roost.

I think there are higher considerations involved.

"Yes". Now, I recognize, of course, you cannot produce all these things tomorrow morning. The trouble with a lot of people, especially the young, is that they expect heaven by tomorrow morning. They won't get it.

"Should technical and commercial

However, I do not see any objection in principle in this case, and I am willing to take very reasonable risks for it. If you can persuade local school boards by argument or by the flow of events to do what is necessary, fine, this is probably the best way to start; but if they are going to dig their toes in and be like Abraham's ass in the Bible, I think you might have to say you have to apply the stick.

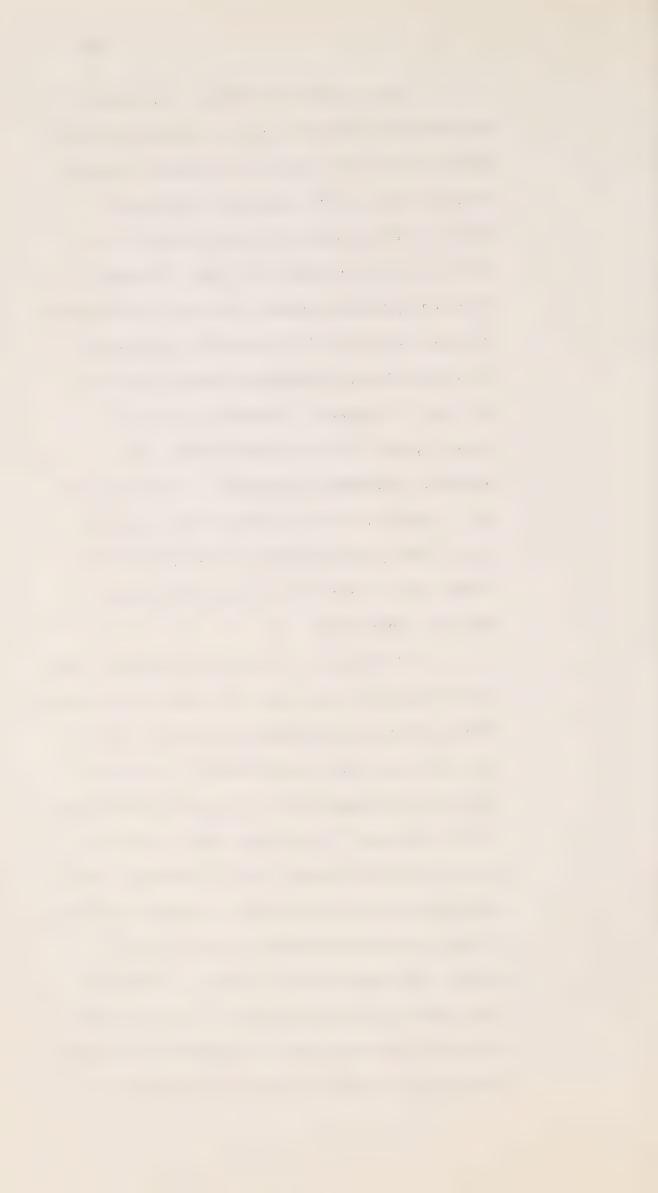
If I were a politician, of course, I should not put it in those terms in public, but this is substantially what I would want to say. I would wrap it up in as much cotton wool as possible, but that is what I would want to say.

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As to judicial affairs, I confess I was very much disturbed by the account of the difficulties this morning, and there I do not think you can do the thing on a wholesale scale. The only possible way to do it, it seems to me, is by district, and I confess there the problem appears to be very intractable. It looks to me as if you would be up against the difficulties of carrying these things to the Court of Appeal. Possibly it may be solved by the device of translation, as Professor McWhinney suggested. I should hope so. I should have to defer to the opinion of our learned colleagues on this point, but I must say it seemed to me the difficulties there are very great.

English speaking minority, the judges have learned French, they are bilingual and this is fine, why can't we do the same thing?", I am afraid this is an analogy which is a little misleading. Put it this way. You might say we ought to be able to do the same thing in reverse. Well, the English-speaking minority in Quebec is twice as many as the French-speaking minority in Ontario, or thereabouts, I think. Therefore that aspect of it is related to the fact that the whole business there is completely bilingual. You have the records and all that across the



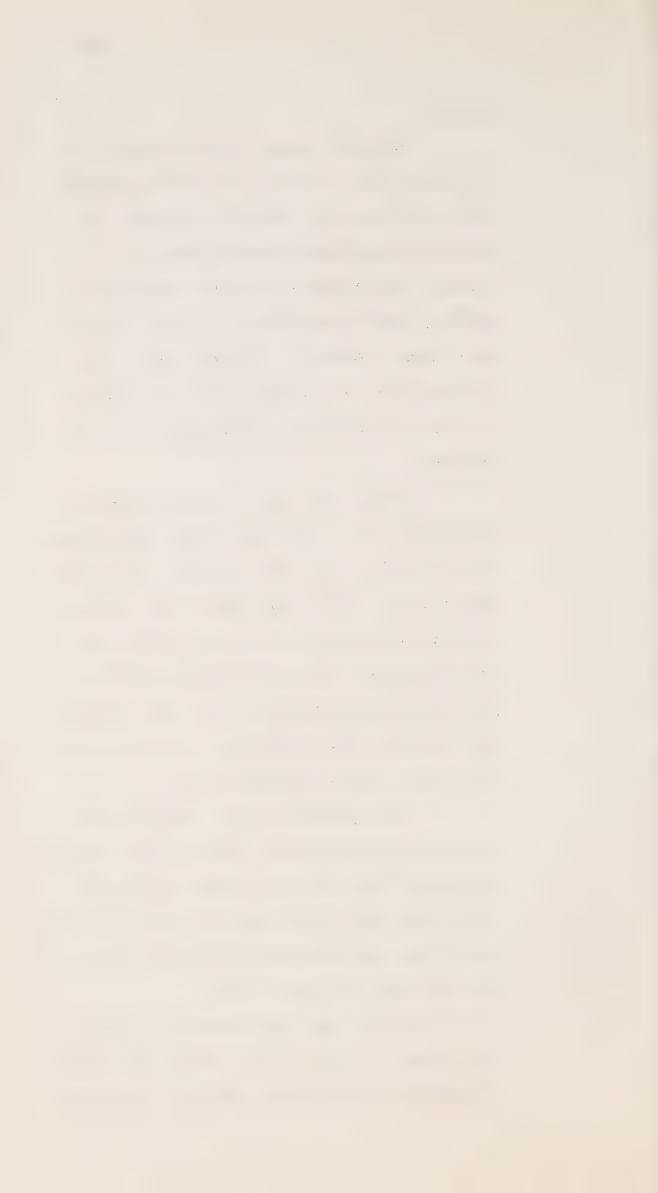
province.

The other aspect of it is that it is relatively easy in Quebec for English-speaking lawyers who hope for judicial preferment, to acquire a respectable working knowledge of French - and it has to be pretty respectable and very working knowledge if you are going to be a judge in Quebec. On the other hand, it seems to be very difficult for most lawyers in Ontario to acquire an equivalent knowledge of French.

Perhaps this can be gotten around by translation, but it did seem to me, as Professor Creighton said, that short of going over to the Quebec system holus bolus (which does not seem to me to be practical, given the size of the French-speaking minority in Ontario and the geographical distribution of it) short of going over to that Quebec situation, I do not see how you can get around the difficulties.

Every possible effort should be made certainly to give as much opportunity as possible in areas of large French-speaking populations, to see that they can do what they need to in the courts, but the technical difficulties appear to me to be very formidable indeed.

As for local administration, certain things there, it seems to me, need to be cleared up, such as the right of a municipal council to



send out certain notices in both languages.

Presumably one of them would have to be the authoritative language, unless we went over to complete bilingualism. Presumably also you would have to specify that any translation into French should not be so printed on the form that it got the recipient all muddled up. Inter-line translation, which was mentioned this morning, is a confusing thing, possibly so.

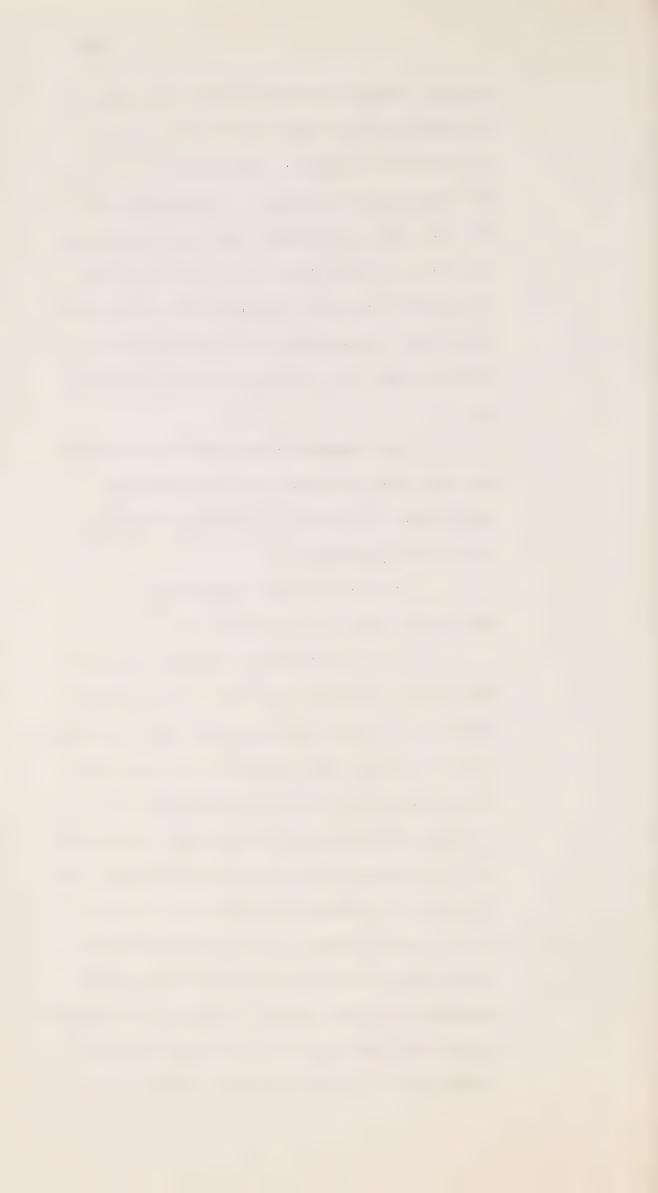
The language of the minutes of council meetings does not seem to me to raise any particular difficulty. I think it could be pretty well optional.

"Is simultaneous translation --" and I think this is a misprint for

"-- expensive for municipal councils?"

What do you do about municipal councils where
there is an English-speaking majority but large
French-speaking minority, and it does not want
any bilingualism in the municipal council?

I think something could be explored there along
the lines suggested this morning by saying that
if there is a certain proportion of people of
French mother tongue in the municipality, and
if you get a petition of a sufficient number
(whatever you want to set) asking for the adoption
of such and such measures of bilingualism and
things, then it should become possible to do it.



Again, I do not think you can do it by plebiscite because, as Professor Creighton says, the plebiscite would probably go against it - except, of course, that a lot of people may stay at home and therefore you might get the active and vocal minority winning the plebiscite against the entire majority of dull Anglo-Saxons. In other words, I would say on education let us go the whole way.

There will be difficulties, but I think we can go the whole way.

On judicial affairs, it looks to be terribly difficult to say the least of it.

Local administration - somewhere in between.

THE CHAIRMAN: Thank you. I would be glad to hear the views of those who have not spoken.

DR. FORSEY: I add one extra thing,
Mr. Chairman, that if it comes to general
declarations of public policy, I should be very
dubious about making them in sweeping terms,
in terms any more sweeping than the Government
would be prepared to live up to in fact.
I think nothing could be more disastrous than
to give the impression that you are going to
provide a mousse with watercress around it, and
then dish up a small lump of sugar with nothing
around it.

MR. MAGONE: Mr. Chairman, before I



apart from this for a second, and that is that

I did discuss with some of the members during
the lunch hour that it would be advisable to
have your preface to the first volume in all
the volumes that are printed hereafter; because
I notice that in this article that was written
by Greer, he takes it that everything that has
been published is the report of this Committee
and not as you express it.

THE CHAIRMAN: As expressed by Mr.Greer,
I not only have the impression that he had not
read the articles, but he had not read the
foreword.

MR. MAGONE: No, he has not read the preface, that is certain.

DEAN LEDERMAN: Incidentally, I think you should be commended highly on the preface, the view of the Chair. You put the thing just the way it should be put.

MR. MAGONE: I say, we expect that.

THE CHAIRMAN: The view from the Chair was a view from late at night in a hotel room in Ottawa.

PROF. McWHINNEY: Maybe in addition to being in the preface, you should issue it separately too as an independent press release.

DEAN LEDERMAN: Issued pretty well to Mr. Greer.

PROF. McWHINNEY: Yes.

THE CHAIRMAN: Send him a complimentary signed copy. Thanks, Cliff. I will take note of this suggestion.

PROF. BRADY: I find the expression of views by my colleagues very interesting, and I agree with a great deal of what was said.

I think the three objectives, the three goals are desirable in the interests of securing the viability of our federation, but I also agree with some of my colleagues that they are not all quite on the same plane.

I would give priority to securing what.

I would call the educational rights of the

Franco-Ontarians. In other words, I think what
ought to be sought now - and this cannot be
sought within the bilingual districts, but
on a provincial basis - is the continuance of
education from primary school (which is reasonably
well provided for now for Franco-Ontarians) to
the end of the secondary school; that that
should be a priority one in Ontario's efforts,
as it were, to do things for the strengthening
of Confederation and for providing simple justice
to the Franco-Ontarian population.

I think also (which is not in this paper)
that an item of high priority is securing for
the Ottawa area the kind of goals that are
provided for here. That may be a little

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Now, it creates some problems, I realize.

I don't know whether we have discussed it
adequately, but as far as I have studied the
matter I think it would be very important to
do so. In other words, a bilingual district,
if you like, for Ottawa first of all, before
I would create any others, because Ottawa has
a very special position.

With respect to other areas where there are Franco-Ontarians in substantial numbers, the realization of these goals with respect to judicial affairs and local administration, I think, should be moved towards in a pragmatic fashion. Where it is feasible, as it were, to do something, where there seems to be a real need, it should be done. I do not think that this is a case where one edict, as it were, should express policy. I think the goal should be ultimately bilingual districts wherever there are Franco-Ontarians in any substantial number, and I would not argue much about what proportion.

I would think that these goals should

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be pursued (as has been said by others and I need not reiterate) because pursuing them is really necessary as a policy to maintain the viability of Canada and the Federal State.

I do not think that French Canadian nationalism is going to peter out. It is not any different from any other nationalisms with considerable tradition. It may be reconciled with a nation-state, Canada a viable nation-state in which the French-Canadian fact, as it were, is recognized much more than it is today.

I think Ontario's policy should be directed to securing that greater recognition, in the interests of securing the survival of Canada.

MR. PERRY: I guess I am one of those left, Mr. Chairman. The problem I have with this whole discussion is that I think our danger is in deluding ourselves, and eventually deluding others, as to the degree to which we can accomplish our objectives.

Ontario a society in which a person of French culture would feel as much at home as in Quebec.

I for one cannot conceive of this ever happening.

The sort of things that we are speaking of affect the first 20 years perhaps of a person's life, and at that point they emerge into an entirely different type of society; they emerge

into an Anglo-Saxon-dominated society in which there is not going to be a great deal of influence from day to day which they will find conducive or friendly. Please do not misunderstand me in saying that. I rather regret that this will probably continue to be the position.

So I do not think we can ever achieve what would be the ideal and acceptable objective, and anything short of that obviously is a gesture.

I do not regard any of the things we have been discussing as the most insurmountable problems that the Government will face in the next 25 years. I think there are many greater problems; that these kind of things could be taken in stride without a great deal of difficulty.

Given that assumption, in my own thinking,

I just say, if this is to be a gesture, let us

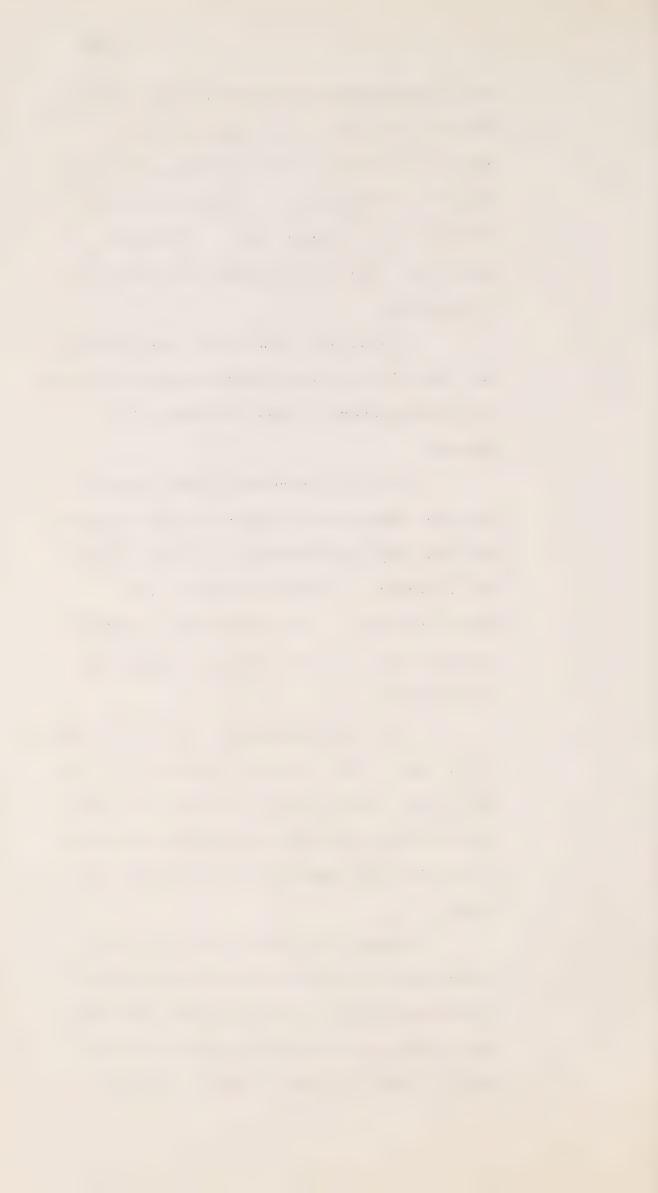
make it the biggest one we can make, not being

too much impressed with the practical problems

or the financial aspects or any of those other

things.

However, what does trouble me even further than that is that one obviously would go farthest in these local bilingual districts that we have been discussing and this merely implies a sort of ghetto concept. Then in



turn people are stuck on flypaper there and going to stay there and just sort of treat them as though they will always be as they are now.

Frankly, there is something rather repulsive about that to me. Not that I have any misgivings whatever on giving the most generous and liberal and possible treatment to people in these areas, but this is all just in the whole of the atmosphere of the times and the degree and nature of change that we can expect in the future.

With that major reservation, I would say let us act, go out fully in any area we can identify or not where the people indicate a desire for emphasis on the French culture.

Deep in my heart, I have a very strong scepticism about it all. That is all I want to say.

THE CHAIRMAN: That is a very candid appraisal.

MR. PERRY: Nobody hit me for it, please. I think our motives are all on the same level, just a little bit more sceptical, I am afraid.

THE CHAIRMAN: This is what being a Royal Commissioner does to you.

MR. PERRY: It just ruins you for flabby words, I am afraid.

DR. FORSEY: In all this time the



efforts of our solitary Franco-Ontarian confrère have been frustrated by disturbing things like me.

MR. SEGUIN: I am glad everybody spoke.

PROF. CONWAY: The point I would like to make apropos of what has been said is on this concept of Ontario has an Anglo-Saxon culture. I do not think coming to Ontario today from outside the country, you are struck by Ontario as being primarily Anglo-Saxon.

MR. PERRY: Any other culture but

French has been ruled out, so I regard it as
an Anglo-Saxon-Italian culture myself.

PROF. CONWAY: Italian, German. You see, what I question is your prognosis of the future. I would expect, quite apart from the particular issues that we are discussing, in the next generation, that is 25, 35 years from now, the atmosphere of Ontario and indeed of all Canada is going to be cosmopolitan to a degree that it is hard for us to imagine today. That is the way the world is going. So if I accepted your assumptions I would go along with you. I think the case is actually going to be very different, and what we are preparing for now is not the kind of Canada or Ontario of the present or of the past but the very cosmopolitan kind of world of the



future.

DR. FORSEY: But what language is going to be predominantly spoken on this continent 25 years from now? Russian, Chinese or what?

THE CHAIRMAN: Chinese.

DR. FORSEY: The word "Anglo-Saxon" begs the question.

MR. PERRY: May I say that I can agree fully with Professor Conway without changing my position here. In other words, this cosmopolitan world will have less patience for special cultures than the Anglo-Saxon world will have probably.

other way. I mean, the revival of nationalism is a significant part of the modern revival of the super-national elements. I mean, everybody recognizes the super-national element in decision-making in defence, foreign policy. We are becoming, as other countries, more and more quasi-independent of the U.S.; but I think there is a case, this same thing John Conway talked about, for recognizing the elements of nationalism can co-exist with the super-national elements. It is the sort of new pluralism.

THE CHAIRMAN: I followed your analysis;

I am not certain of your conclusion.

PROF. CREIGHTON: What language is this



cosmopolitan person going to be talking?

PROF.CONWAY: I would say English and French would be a good place to start. All of us must be struck by the fact when we travel abroad in educated circles, that increasingly in places like Europe and Washington, this is just taken for granted, that people speak one language other than their own or two.

PROF. CREIGHTON: It is a new development in the American foreign service if I am any judge of it.

PROF. McWHINNEY: It has happened overnight but they did it in the most drastic way of bonuses, incentives.

MR. SEGUIN: Berlitz.

PROF. CONWAY: I am saying we are looking forward to a multi-lingual world, and we should not balk at a bilingual society here.

THE CHAIRMAN: Is there anyone who has not spoken and wishes to speak?

MR. SEGUIN: I will speak, please. I agree with Professor Meisel that if Ontario does not do at least something of a token nature for the French-Canadians, Quebec will not co-operate in any way. That I can tell you. They are waiting for the first move.

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I speak to the French people of Quebec and they always bring out lately: "Well, your



Premier has been to see us several times; he has told us he was doing all that could be expected for our French schools. What has he done as yet, anything new?" That comes from Ministers downwards.

I agree also with Professor Brady and Dr. Forsey on the three points, except for special riders on two. On education it is the wish of the French people in Ontario and their present request to have these schools, and we hope to get them in the near future.

On the local administration, the riders would be these, that we are not asking that minutes be kept presently in French, because of the simple fact that sometimes these cases have to be referred to the Municipal Board and they have not the facilities; but what we are asking is that in any area where (it could be) there are 20 or 25 per cent of the population, that all notices should be bilingual, including tax accounts, assessment notices, letters from the municipality to the effect that garbage will be picked up on Wednesday instead of Thursday – all similar notices; also that street signs be bilingual.

This would apply to Ottawa, Timmins, Sturgeon Falls, Eastview, Hawkesbury, Cornwall and places like that.

As to the Courts, well actually I cannot see it just now. I would agree with

Mr. Magone that it is going to be a terrific job. First of all you have got to start translating your statutes, all your legislation, before you could have a bilingual court of any kind, because it would not be any good if you had to argue on the English text in court because you would have to go back and forth to English.

We are not criticizing that at the present time. What we are criticizing is the lack of French personnel in a lot of places. It is much better in the last five years, but if you take this chart here Prescott and Russell and the Registrar of Deeds office had shown two. There are two Registry Offices there, one in Prescott at L'Orignal, where there are two French people, one in Russell where there are two English. Now, Russell has a big French population. Ottawa had shown three under Registry of Deeds. If there are three in the Registry of Deeds, they must be their stenographers, because none of the male personnel are, I know. I deal with that Registry Office. Carleton which is also Ottawa, has none.

In the office of the Registrar of
the Supreme Court at Ottawa there is nobody
French. In the office of the Sheriff it says
there are some here. Yes, there are -- process

servers and stenographers; male staff, there is nobody. This is what we criticize, not the lawyers, because we can always get understood; but an individual comes into the Supreme Court, for instance, in Ontario, and he wants to consult a will. He has a hard enough time pronouncing "Surrogate" and when he gets in there he can hardly talk, and the first thing he knows he has got to consult a lawyer instead of just paying 25 cents for a record. The same thing if he goes to a Registry office: he will have a hard time explaining where he lives and how he has got the deed out. If there were at least one French person, then it would make it much easier for him.

That is as far as I go on the Court.

Eventually it would be ideal if the statutes

were translated, the legislation were translated.

Today what could be translated maybe would be

the little booklet that is issued by the

Department of Highways on regulations, things

like that, but I do not think we are prepared

to ask for that right away.

What we want is the schools firstly; secondly some French in the municipalities where we have a sufficient number; and probably more appointees in the legal offices throughout the province where there is a large French



population.

MR. MAGONE: I suppose the local member is largely responsible for recommending appointments down there. I see Louis Cecile is now a Magistrate in Prescott.

MR. SEGUIN: Yes, Prescott and Russell, United Counties. You see, in his county everybody is French, that is Prescott, but in Russell ---

MR. MAGONE: Is it not the local member?

MR. SEGUIN: Bert Lawrence. Before that it was a Liberal, so he didn't have a chance for a while.

MR. MAGONE: Better get your people out to vote.

DR. FORSEY: There you have got a sort of split-off on the Dominion-Provincial thing, haven't you, a certain tendency to say if one is one the other is the other?

MR. SEGUIN: As to the Courts, it would be a terrific mix-up just now and I do not think I would be prepared to go through law again if I had to start under a brand new system like that.

I may mention just one thing. I would like to see more Supreme Court judges and at least one on the Court of Appeal. That is Federal.



PROF. FOX: I am the only one who has not said anything and I can be brief.

I would agree with much of what has been said.

It seems to me that the analyses that several people have made of the different priorities in the order of these problems is a very sound way to approach it. I would agree with those who have spoken on this point and say it seems to me that education is the field that is most important at the moment and that we might concentrate on.

I think this canvass of opinion you have had has shown that a number of us, most of us are in favour of trying to do something in this area; that some of these other problems are ones that can perhaps be dealt with item by item as Mr. Seguin has suggested, but that education is really an area where we can make a substantial change.

I don't know whether you would agree with me, but I have sensed a change in the mood in recent months in the province at large on this subject.

I was impressed in this connection

by what Dr. McArthur said this morning in

answer, I think, to Tom Symons' question or

Dr. Creighton perhaps, about bilingual districts.

He dismissed this very quickly and said he

did not see any point in bilingual districts,

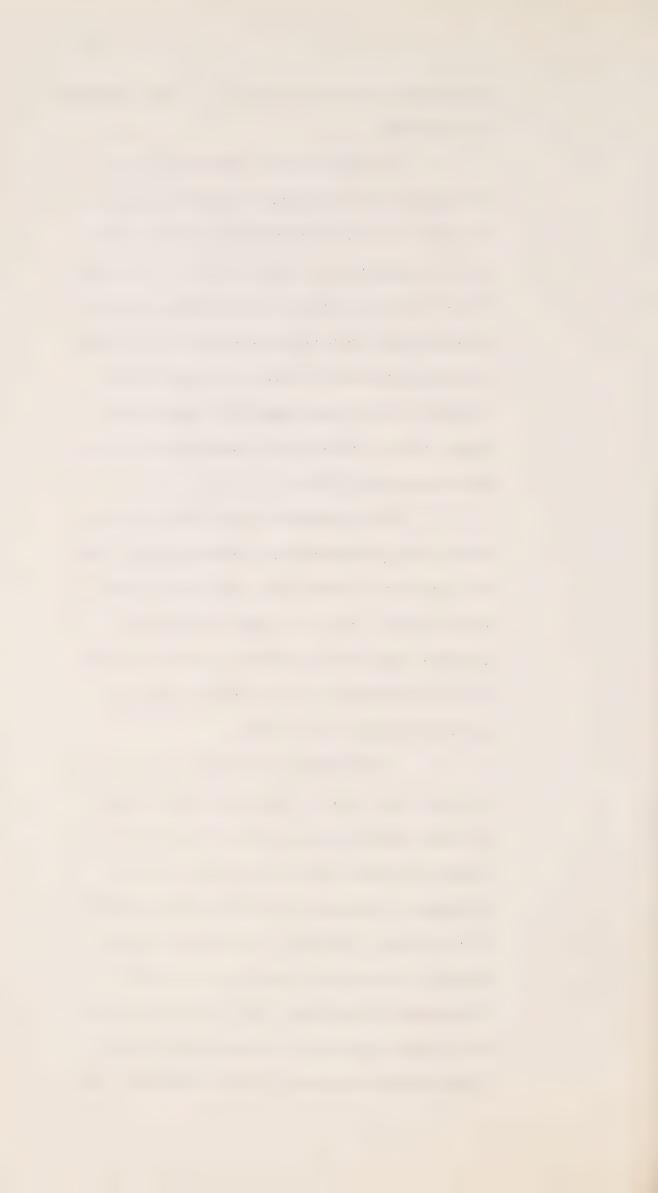


that this was province-wide. I would support his opinion.

I would think, therefore, if we are going to move ahead in this field, as I think we should immediately, this is the sort of approach we should make. We should think here in terms of an overall provincial problem, and then perhaps some of these other problems, either in terms of districts or topically as we see something that can be done, but at any rate to concentrate now on the educational field.

to say that I think I can sort it all out
easily, but I think it does nonetheless
provide very good guidance to the thinking
of the Committee as a committee and more
particularly as individuals.

DEAN DILLON: I just add one point to what Paul said. When this point came up this morning it occurred to me that we might be ruling out the relation between bilingual districts and these French schools too quickly; because I recall in reading some of the material that we had of the experience in Welland, that it was the very fact that there was a French school there that tended to perhaps further isolate those



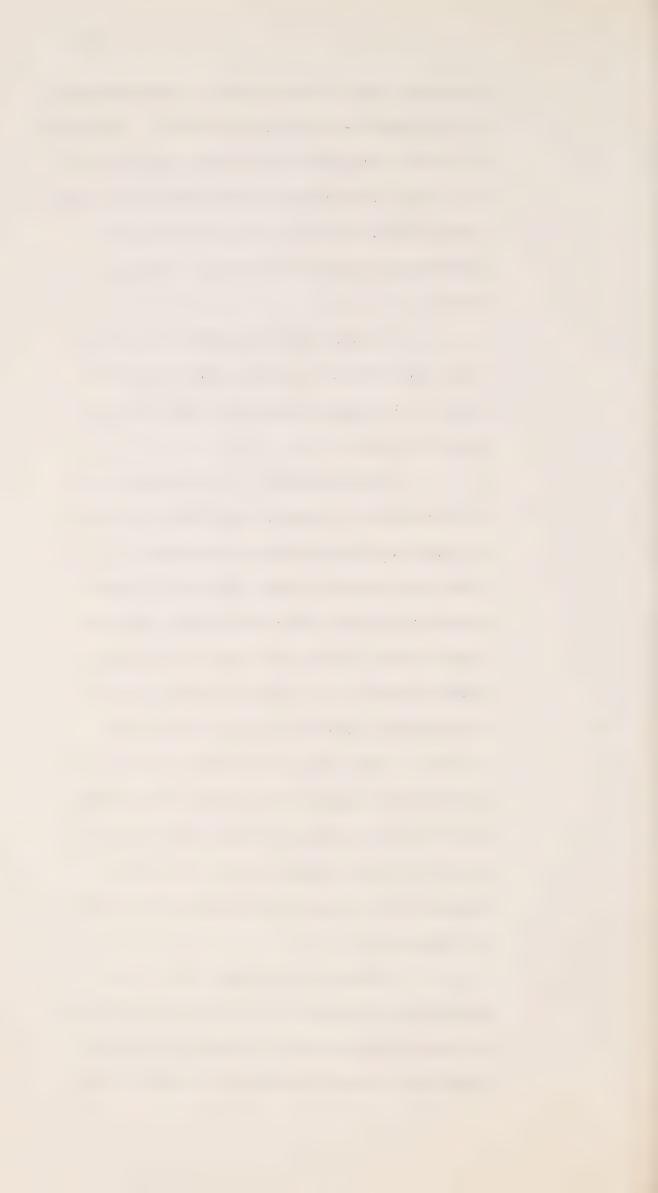
people or sort of bring them to the attention of the English-speaking population. Therefore, to create some kind of backlash, and perhaps in a place like Welland where the schools are established, it would be a good thing to consider bilingual districts as the next subject.

I just wanted to make the point that I do not think you can just rule this out, on the basis of what we have heard or learned today.

MR. STEVENSON: Mr. Chairman, one of the points, I think, that this brings up is that by concentrating on bilingual districts perhaps we are ignoring to some extent the place where some of the greatest problems may be now, and that is that the Franco-Ontarian population in eastern and northeastern Ontario is relatively stable whereas by far the greatest proportion of movement from Quebec is to the areas around the "Golden Horseshoe"in the last few years, and that these are people who have not adjusted to an English-speaking environment at this point.

Going into Welland, there is a possibility to move into a society where you do have services right through the spectrum available, where French can be used to some

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extent in some of the other centres; but one has to think of Toronto, Hamilton, Georgetown, Oshawa for some French-speaking services at any rate if one wants to deal with the problem.

MR. SEGUIN: Windsor.

MR. STEVENSON: Of the recent arrivals.

DR. FORSEY: It is interesting that they do go to these predominantly English-speaking areas.

MR. STEVENSON: That is where the jobs are.

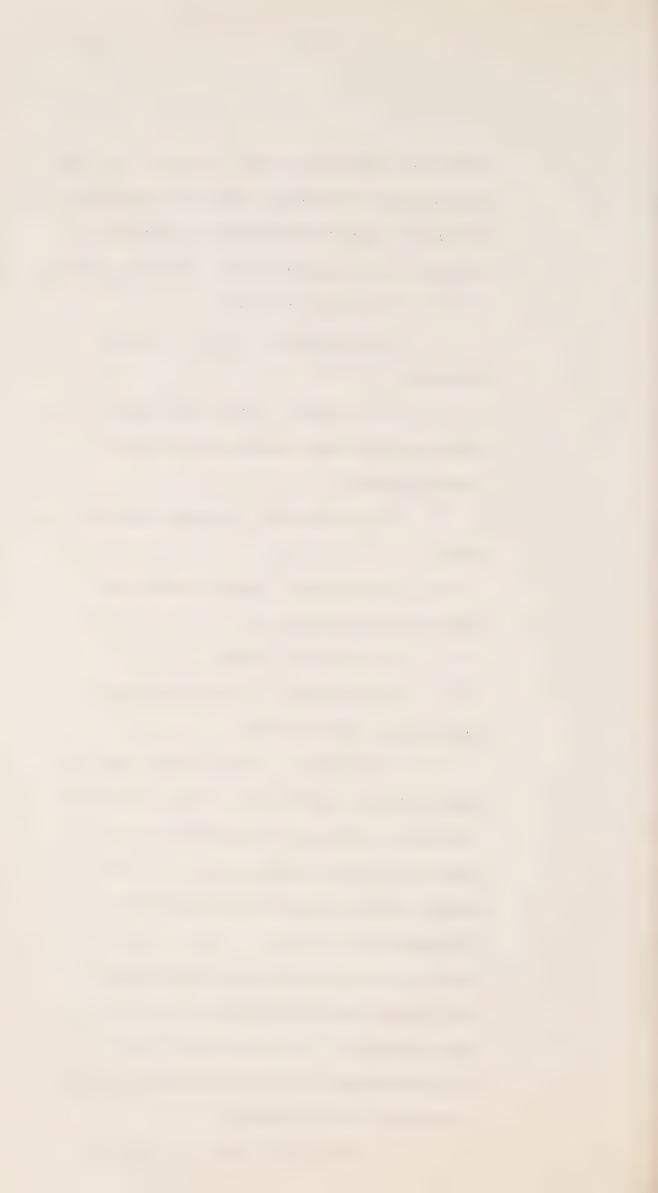
MR. SEGUIN: That is where the manufacturing plants are.

DR. FORSEY: Quite.

MR. SEGUIN: In Ottawa though, exclusively civil service.

MR. MEISEL: If I can add just one point arising out of this, I think there are two ways in which one can approach this problem, say, of people moving into this highly industrialized English-speaking "fortress" if you will. One can say: "That is no problem, because these people will become Anglicized anyway so we don't have a problem"; or you can say "Well, it is desirable for French-speaking Canadians to maintain their language".

I think that, again, we probably



differ on this, but my own view is that
every time, say Roget mentions the cases he
did earlier on of his friends, parents who
speak French among themselves and English
with the children because economic
opportunities are greater in English, this
I think disturbing because it means that
parents have recognized the need to abandon
their language for the next generation for
economic reasons. Now to me this is
distressing in a country like Canada.

DR. FORSEY: Yes.

PROF. MEISEL: And I think you should do something to give them incentives that they do not do this.

DR. FORSEY: I should be inclined to agree with what Alec Brady said also about a bilingual district for Ottawa.

MR. SEGUIN: I mentioned any city over 20 or 25 per cent should have that kind ---

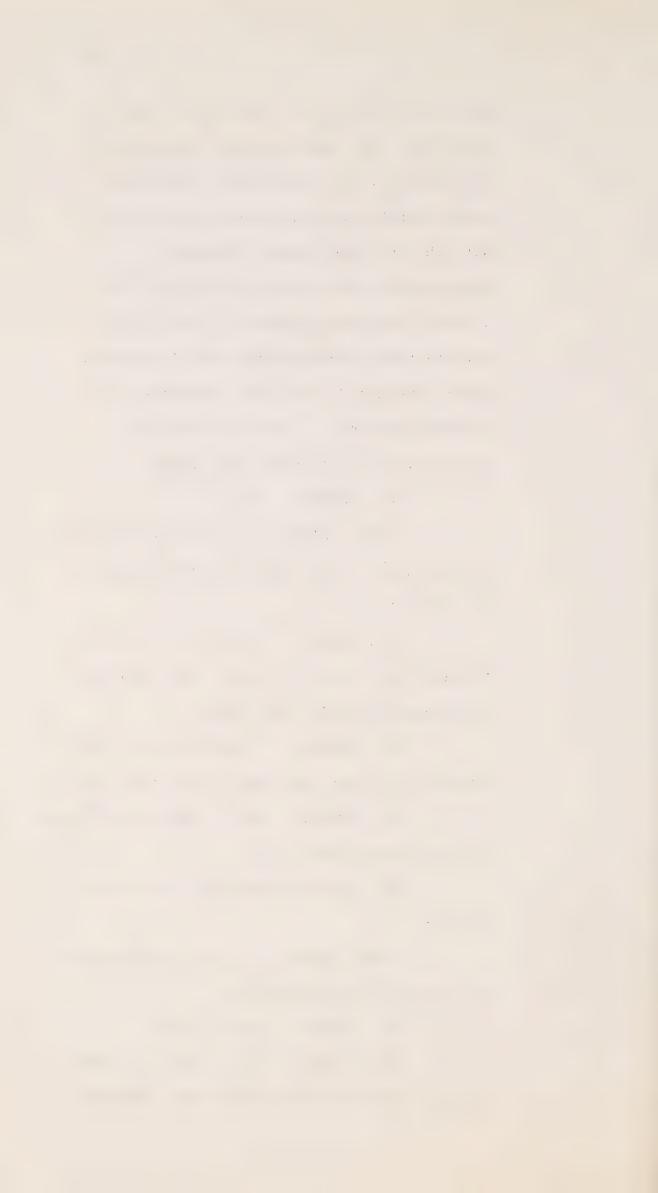
DR. FORSEY: But I mean specifically
I think Ottawa might be ---

MR. SEGUIN: Within the province of Ontario.

PROF. BRADY: It is a special case and should be given priority.

DR. FORSEY: Special case.

MR. SEGUIN: If you do, I can say that no Franco-Ontarian would ever consider



the Federal District.

DR. FORSEY: If you can get the Federal District, I would prefer that, but failing that ---

MR. SEGUIN: I don't know. I wouldn't like to lose my vote. In Washington and most of the others they haven't got it.

THE CHAIRMAN: I wonder if we might move along to other matters. Time is running along.

I would like some guidance on our procedure henceforth. Tomorrow morning at ten o'clock the Prime Minister will be coming along here, and the thing he is most interested in, of course, is to tell you something of his developments in his own thinking on the Confederation of Tomorrow Conference, and to discuss that with you.

PROF. BRADY: Can you tell us anything about that?

THE CHAIRMAN: I was going to say, looking at the agenda here, I think we should probably prepare ourselves a bit now before we adjourn today, for a meeting with him tomorrow.

There are other matters before us a report on the present status and prospects
of the Kingston meeting with the Federal
civil servants, and I think some people want



to talk a bit about the point John Meisel raised this morning re publications and future events in that connection.

Could I just make one or two
comments about the mechanical arrangements
while we are on the subject of procedure.
The meeting tomorrow morning is here at
9.30 and the Prime Minister comes at 10.00.
What might we do in the half hour before
that, apart from gently waking up?

MR. STEVENSON: Get ourselves primed, I guess.

THE CHAIRMAN: All right.

PROF. SYMONS: Mr. Chairman, will the Prime Minister stay for lunch with the Committee or are we carrying on with our own work?

THE CHAIRMAN: No, he has got another luncheon appointment, followed by an opening of some centennial event.

PROF. SYMONS: So that there will be an opportunity for the Committee to meet by itself tomorrow after?

THE CHAIRMAN: Yes.

PROF. McWHINNEY: There is no possibility of going through lunch and adjourning earlier?

THE CHAIRMAN: I know you have an obligation that evening. We are gathered



here for two days and I do not want to foreshorten this in any way. I suppose the question I am really asking now is: What is the most efficient use of the time we have and what are the priorities?

PROF. FOX: Is there any virtue in going on longer this afternoon to deal with any of the things that you thought we might deal with tomorrow afternoon, and then rising earlier tomorrow afternoon?

PROF. CREIGHTON: Ought we not to get on with No. 3 in preparation for the meeting tomorrow morning?

THE CHAIRMAN: Yes.

PROF. CREIGHTON: Surely it is enough. I have got to leave this place at five o'clock or shortly after.

PROF. McWHINNEY: Are you able to present, Mr. Chairman, alternatives or outlines of alternative proposals for this Conference?

MR. PERRY: We have a good memorandum on it.

PROF. McWHINNEY: I don't think I have that.

THE CHAIRMAN: We have this as a working paper, you see.

MR. STEVENSON: Mr. Chairman, I might mention one other thing in case somebody



may miss it. The agenda did state that

luncheon would be at 12.30 in the Malloney

Studio here. It will not be; it will

be at the Westbury Hotel where we gather

at 12.30.

THE CHAIRMAN: In the Maple Leaf ballroom. One final thing. Tomorrow morning you will need to identify yourself to the attendant. Don, we had better add the name of Mr. Robarts and Keith Reynolds there, because there was an embarrassing situation once before.

PROF. CREIGHTON: The Prime
Minister was not allowed in?

THE CHAIRMAN: A Minister, at least.

It wasn't quite that bad.

Shall we look at the working paper
we have on the Confederation of Tomorrow
Conference? I will tell you what Mr. Robarts
is fairly set on up to this point.

MR. STEVENSON: I wouldn't like you to think that he may not be persuaded by the Committee.

THE CHAIRMAN: That is it. It would have to be fairly concrete, however. Let me revise my preamble. I think his present predisposition would be toward a two-day meeting in Toronto itself in the neighbourhood of November, with the heads



of governments invited or requested at least to send a senior representative.

Now, we have had discussions with him about the advantages of meeting outside of Toronto, and this is not by any means ruled out in his thinking, I am sure.

We have had some discussions about exactly what "public" means. Does it mean meeting on the floor of the Maple Leaf Gardens with 12,000 onlookers, or does it mean televised proceedings, or does it simply mean the press being present?

We have had some discussion about the content and, as you know, he will be having a debate on this in the Legislature in the near future, at which point he would want to say exactly what he expects the Conference to do, exactly what he expects it not to do or would prefer it not to do. Can you think of any other additions?

MR. STEVENSON: We brought up the question of having some outsiders present papers around which discussion might range, and I do not think this is his present predisposition. I think he would see it more in the nature of provincial or government representations, each government maybe not stating a firm position at all but at least their thoughts on various



questions.

Another thing he did bring out was the possibility of an agenda partly being determined by what other governments might like to see on it, in addition to what would go out with an initial invitation.

THE CHAIRMAN: Now, unless anyone has an alternative suggestion, I think the tidiest way might be to proceed through this working paper and try to form some opinions about the points which you raise, and then we can give some consensus to the Prime Minister, and then we can go on to other items in this connection that you may have to raise.

Our first attempt was to treat
the issue of participants in the three
alternatives as you have them before you.

MR. STEVENSON: (b) and (c) could be mixed; these are not completely discrete alternatives.

PROF. McWHINNEY: It must be the

Prime Minister's decision, though, must it

not? In a way this decides almost everything

else to a considerable extent. For example,

if you have civil servants, advisers,

participating actively, you have got quite a

different type of conference to having

political heads. If you have a mixed group ---

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PROF. CREIGHTON: I thought you said the Prime Minister had in effect decided on a term of two days.

THE CHAIRMAN: I think that is where his predisposition is, but I think if the Committee felt strongly in the direction of alternatives we could impress this upon him as advice from the Committee.

prof. McWHINNEY: It would be pretty arrogant to offer a suggestion from us. It would seem to me that is a choice he must make.

About all your can say is what sequence might be followed, but I suppose that would be as evident to him too. If it is a political discussion, I presume it is going to be light on learned scientific papers and the like and get closer to fundamentals. I am sure these things are very obvious to him.

PROF. MEISEL: How is this idea of an informal, relaxed conference visualized with the press present? Can you limit it to the Prime Minister and eleven Premiers plus 800 newspaper men? What is the control on the coverage going to be? I think there is no point having only a handful of participants in a room in which there are thousands ---

PROF. BRADY: And the hungry wolves, as it were, surrounding them.

DR. FORSEY: We raised some of these points and the difficulty is the thing is already



what I assume are his views, but this is apparently settled. The public is going to be there in some form or other. The mania for having everything conducted in the glare of publicity seems to be one of the aberrations in which the world abounds at the moment, but it seems to have been advised. I consider it to be contrary to Scripture, reason and common sense, but it appears to be the Lord's will; when you consider some of these proposals are contrary to reason and common sense, but they appear to be the Premier's will.

PROF. McWHINNEY: This was taken up editorially in Quebec, and it was favourable, and also in Ontario, and the assumption seemed to be it was a sort of specialist type of Dominion-Provincial Conference, probably without the Dominion Prime Minister because he seemed to indicate he cannot come, but that it would be devoted towards high, if you wish, confederation policy rather than the more specific things that Dominion-Provincial conferences normally discuss, that meant to suggest really a closed conference designed to establish just how much consensus there was; and for that sort of conference I would think scientific papers would be irrelevant. In other words, it would be a meeting really in which the intimate personal civil servant



staffs would go along, the intimate advisers to the heads of government.

This is poles apart, of course, from a scientific conference, which is high perhaps in science, but light in policy-making consensus, quite obviously because the people have no responsibility and no power.

I suppose there is a third alternative in melding the two. If the Prime Minister wants publicity in public discussion, I suppose he has got to get into this other type of domain.

PROF. FOX: I would like to re-introduce an idea that I think we discussed last time, Mr. Chairman: that it might be wise to think of a meeting of the Premiers, but that each should bring small staffs, perhaps a few Ministers, and senior advisers, and that these senior advisers and Ministers might meet informally, or formally, but in what were really secret sessions off the floor of the conference, while perhaps the main event was going on; simply to provide for the other aspect of what I think would be a fruitful meeting, and that is the opportunity to exchange views in private on issues and take notes and talk to your opposite number and get to know him and so on. It is really quite an opportunity for that little knot of people from the various provinces to meet, and I don't think they can do this very



successfully in public if they meet as a large group or even in small groups in public.

That idea found no favour with him, I gather from your remarks.

THE CHAIRMAN: I must say in all fairness I do not think that was explored very deeply.

PROF. CREIGHTON: He is committed to publicity so far as relates to the press.

THE CHAIRMAN: As far as the general mood of the conference and of the heads of government, I think that is correct.

MR. PERRY: I think you have just to assume that no meeting of this character would ever take place in private anyway.

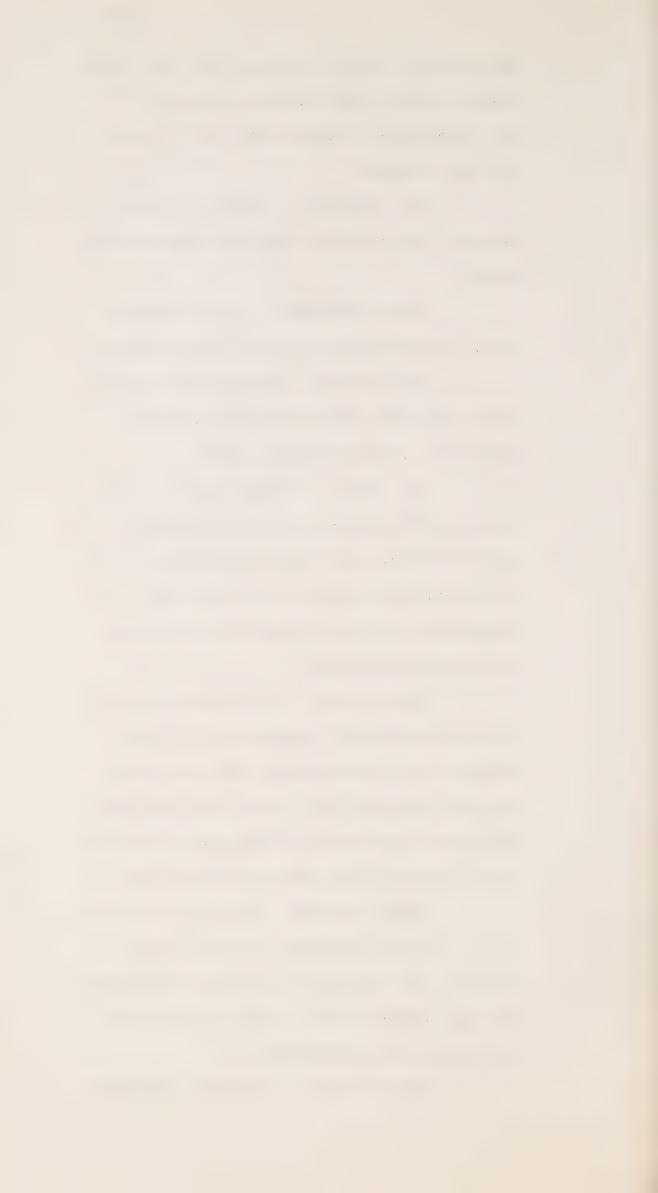
If the material is going to get into the newspapers, it might as well be directly and accurately, presumably.

PROF. SYMONS: Mr. Chairman, if it is to be pretty well alternative (a), Prime
Ministers and Premiers and a few very close
advisers, how does this differ from DominionProvincial conferences or from the now regular
annual meeting of the Provincial Premiers?

PROF. CREIGHTON: The public is there.

PROF. McWHINNEY: And its agenda presumes that it is more policy of Confederation, the high policy issues. These would be the two distinctions, presumably.

PROF. SYMONS: Are those sufficient



distinctions? Do they add up to achieving the opportunities of a Confederation of Tomorrow Conference or of a good deal of the expectations that many people have of a Confederation of Tomorrow Conference?

PROF. MEISEL: The number of advisers cannot be very great. If you have five for each Prime Minister, you will have 55 people.

DR. FORSEY: I was dismayed by the idea that a thing as vast as this appears to be could be dealt with in two days.

THE CHAIRMAN: This assumes that this will be the first of a series of such meetings.

DR. FORSEY: I see. I am sorry.

THE CHAIRMAN: This one perhaps would do no more than clear the air.

DR. FORSEY: Or raise the dust.

Another thing that occurs to me is that I am not absolutely certain that the alternative (b) should be ruled out. I can understand the Premier's feeling about not wanting Oppositions there, and I have a good deal of sympathy with it, especially with the kind of Opposition he has to deal with, but on the other hand I am not absolutely certain that it may not make the thing more useful if some Opposition representatives were present.

There may be decisive arguments against it, but I hope it has not been ruled out without

rather careful consideration.

MR. POSEN: Mr. Chairman, on that point it is interesting to note that Jean

Lesage of Quebec seems to have already made his pitch to join with Premier Johnson in any constitutional debate. He has stated that he would like to present a common front.

PROF. McWHINNEY: You are speaking of his statement that there is no difference between the Opposition and Government on the foreign affairs part of those things. That is a little different to the particular institutional expression that ---

MR. POSEN: Although it seems to me he is attracted to a sort of study of constitutional issues, that the Liberals would be willing.

prof. McWHINNEY: I think he merely got the signal from Ottawa on this thing.

I had the feeling one perhaps should re-read the editorial, and he would follow the Federal Liberal party position on this, whatever that finally is, but initially it was rather negative.

PROF. CONWAY: Is that quite constitutional, Eugene, to have Oppositions side by side?

DR. FORSEY: This conference is essentially sui generis; there has never been anything quite like it before where it is not

a Dominion-Provincial conference and it is not a conference of Provincial Premiers. I do not see, therefore, why it should be bound by rules which have been worked out for other types of things. It depends what you want to do.

PROF. SYMONS: There are precedents for it, Mr. Chairman, in the two most important conferences of this sort, I suppose we ever held, at Charlottetown and Quebec City a hundred years ago.

PROF. CREIGHTON: They did not start talking about English language schooling in Quebec though; they started talking about federation, and this is the point about this. There is not a single suggestion in this whole thing that you are getting down to the basic questions of the federation.

DEAN LEDERMAN: My problem, Mr. Chairman, in thinking about this is to ask just what the range of subjects is that should be covered; because if only the Prime Ministers and Premiers, if only heads of government are present and if only they speak, it is not possible for them to speak without committing themselves and their governments.

Now, if you are going to have any kind of free-wheeling discussion, albeit in public, in which a whole range of propositions are going to be tested tentatively with various degrees



of seriousness, it cannot be the Premiers who speak first. Someone who cannot be pinned to speaking for the government will have to put up the range of ideas, and then the Premiers can react or not as they please, or they can react equivocally if they are inclined to react equivocally.

If you are going to get a range of things considered, then the wide spectrum of things is going to have to be put up by, as I say, people who are not carrying the top political responsibility; because the Prime Minister of Canada, Prime Minister of a province, when he speaks he does not say: "I am only speaking for myself", nobody states that.

MR. SEGUIN: Frankly I do not think you will have much discussion on anything if you have a hundred newspaper men there, except what they have already said in the newspapers. I do not think this conference can be useful if it is public, unless they go behind doors and make a general statement as they come out that: "We had agreed on certain things and we disagreed on others" and that is it.

Otherwise I cannot see the useful purpose, because they have all stated some position or other through the newspapers for the last ten years.

PROF. CREIGHTON: "We have had a



fruitful exchange of views".

MR. STEVENSON: Mr. Chairman, I take a little issue with this, because I think Mr. Robarts' main reason for making this public is that he has been terribly frustrated in the last three years at supposedly secret meetings, Federal-Provincial meetings, where almost everything that was said got out to the press in one form or another, generally garbled.

MR. SEGUIN: Let usput it this way.

If he is willing to say everything that he wants to say in public, that is his issue.

MR. STEVENSON: I think at any rate it must be apparent that this is really the one firm set of references that we have for once: he is publicly committed to a public conference.

PROF. SYMONS: Mr. Chairman, is he also committed publicly or in his mind that he would have no private aspect of this at all?

MR. STEVENSON: No.

PROF. SYMONS: Would there be an opportunity for some sessions without the press present, when people could express views and say: "I am not certain about this but I have been wondering and I would like to see what other people think"?

THE CHAIRMAN: It seems to me if you



had two days you could have a session each day that was televised and everyone watching their leaders at work, but there would be a programme on the rest of the day in which they would be discussing matters in greater detail perhaps.

PROF. McWHINNEY: In a way, you see,
Roget made a comment here which I think is very
relevant. It sounds a little bit like a
small and presumably much more powerfully
selective Estates General. In other words,
you take specific important issues and present
papers but not necessarily from your most
responsible people. The moment you have
your publicity in, presumably you are looking
for position papers which in a general way
reflected more provincial views but not
necessarily the Prime Ministers' or provinces'
views, and this seems to be edging into (c).

If on the other hand the Prime Minister and heads of state alone are going to meet, it almost seems as if it has to be a private meeting to do very much that is useful.

putting the cart before the horse here. We are talking about participants, places to hold the meeting, method of proceeding. Wouldn't many of those fall into place if we were to establish in our own minds what we would think this Committee should be seeking to accomplish?

DR. FORSEY: I do not think it is any use of your talking about whether this is to be public ornot. This has been settled and we may as well forget it. It seems to me that part of it has been settled.

Apparently also it is settled that there is to be a two-day thing.

I would like to put in a very strong caveat on holding it in Toronto - not because of any prejudice against Toronto (of which I am very fond, as a matter of fact, because I always have a nice time here) but simply because if you have it in Toronto, or if in fact you have it in almost any large city in Central Canada, your people are going to be called out all the time and they will have no chance of any kind of continuous discussion. I don't suppose anybody will haul him out of the middle of a speech, but the minute he sits down, he will be told "So and so has to get you right away. He just called from Washington." or whatever it is, something like what happened to Dr. McCarthy this morning. He was called out three times before he sat down.

THE CHAIRMAN: That was a pretty quiet morning for him.

DR. FORSEY: A fortiori, if it is in Toronto, I can see one of the Ontario



Government people would be inside there.

Whereas if they could say: "The Premier is in the Holiday Inn in Timbuctoo, I am sorry, that is all", you cannot get at him.

MR. MAGONE: Mr. Chairman, has the question of the public meeting received the assent of the other Prime Ministers, do you know?

THE CHAIRMAN: Well, I think the answer is, Cliff, that there has not been any official assent so to speak. I know that there will be, I am sure, discussions with the other Premiers about procedures and so on.

MR. BEER: Mr. Chairman, Premier

Johnston has said publicly that he welcomes

the whole idea of such a conference, the

probable holding of it, and he has even said

he would welcome having a mixed delegation of

Opposition of his own members.

PROF. FOX: May I just mention here,

Mr. Chairman, something that occurred to me.

A student of mine prepared a paper for a

graduate seminar. It is a brief resume of the

meetings of the Federal Premiers since 1960.

I asked him if I could make it available to

a government committee, and he said "Yes".

THE CHAIRMAN: Where did he get his material?

PROF. FOX: He got it out of the press,



and this is very interesting, giving us some brief as to what went on at these conferences. I have given it to Mr. Beer and consulted with Mr. Stevenson, and in due course it will be reproduced and distributed to you. When you get it, it is meant to be merely for your information. This student expresses some views and, of course, they are his own, but I think it may be useful, when you read that over, to see the range of topics that were discussed at the various conferences, and also some of the reactions of Premiers.

For instance, Mr. Smallwood, who has not attended very many of these and gave as his reason --

THE CHAIRMAN: Advisers.

PROF. FOX: That he did not want to come to a conference of Premiers at which there were advisers. Whether this was a fictitious reason or not I don't know, but it is an interesting little account and will shed some light on similar meetings, and raised in my mind the question of what way this meeting is going to be put over that will be in public. Since this student based his research on public resources, you wonder really about the difference between the two.

THE CHAIRMAN: The principal difference - and that is why he raises the question of the

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agenda and the purpose - is not to deal with Medicare or financial institutions or even the amending formula for the constitution: rather, on the sorting out of the type of questions that are impeding progress of the federal system of government and that should be discussed and would become the first, if so agreed, of a series of meetings on this question of approach.

I think very much in the back of one's mind here would be the proposition that a mood is building up certainly in Quebec (and if one reads accounts coming out of Ottawa perhaps there too) on the issue of constitutional change; and before that is pressed upon us perhaps we should have an opportunity to assess what can be done within the present set of arrangements. It could lead into an examination of what are desirable arrangements as a very minimum, what are desirable arrangements and means and machinery of dealing with Federal-Provincial matters.

Now, it is very interesting that the fear was expressed throughout that the Federal-Provincial conference is not part of our normal governmental or constitutional machinery, but that it has become a kind of super-Parliament that is becoming in its nature a decision-making body.

Yet earlier this week and again last week, I see at two Federal-Provincial Conferences



(one on medical insurance, Medicare, and the other on financial institutions) in each case the two days were days of desperate frustration.

As a matter of fact it is interesting that at the first one we had with us the new Chairman and vice-Chairman of the Ontario Securities Commission, gentlemen who had spent their careers heretofore in board rooms, and not board rooms of this kind, but board rooms of Bay Street. They, of course, could not get over what did not happen at these conferences, in the sense that no decisions were taken, no issues were met, no conclusions emerged, and there is no resolution of anything, literally.

In fact at these two meetings there was sharp evidence of this kind of thing.

Literally, people's views were exchanged and they went away, but one could not say that decisions were taken there, except, of course, presumably the social process involves a conditioning of attitudes and points of view; but I think nothing was done there that involved decisions that could not be very explicitly taken by each government in the normal governmental manner.

I wondered at the end of these two sessions then whether this bug that is being constructed about the super-Parliament is really a serious worry.



PROF. BRADY: There is nothing in the idea of a super-Parliament, because conferences have always been of that kind. There are very few conferences that ever made decisions. They are forums in which the governments represent their views and take a stance and try to discover just what the other fellows are thinking and what position they are likely to take and how they would be affected by the positions the fellow members would take.

I cannot really think of a conference that was anything else but that. They are useful as instruments of federalism in doing that obviously, but the decisions are made by the governments. The newspapers probably call them super-parliaments. Newspapers probably build their super-Parliament explanations on a very flimsy basis.

MR. PERRY: I can remember a few conferences in which conferences indicated that they had arrived at a view and indicated what it was, and had to send people back afterwards to inform the Federal Government: "Now that we have gone home we will never get away with this. We have got to change our minds". So it is far from being above public opinion.

PROF. CREIGHTON: Mr. Chairman, you may very well feel, as the result of a lot of these



enquiries and criticisms and so on, that this

Committee is being rather difficult in making

positions on the various proposals which have

been made and so on; but I think we are puzzled,

at least I must confess I am puzzled still, about

the purpose of this conference.

I am not much enlightened so far, and

I have not been, by your suggestion that the whole
thing will fall into line if you consider the
agenda. What is to be the agenda? If this
conference is to be taken seriously, it would
surely seem to me that it does involve all the
questions that this Committee has been dealing
with for a total of two years now, or nearly so -yes, it is two years now.

THE CHAIRMAN: Past, yes.

PROF. CREIGHTON: On the other hand, if it is simply a conference on what as far as I gathered you suggested just a few moments ago, on federal-provincial relations inside the existing constitution; in other words whether the Federal-Provincial conference is a good thing or whether it might be made somewhat different: that is a completely different matter, and surely the lot of people who have thought something really fundamental about the Canadian constitution that will be talked about in the conference on the Confederation of Tomorrow, will be rather disappointed if all you talk about is federal-



provincial conferences. I thought there was really some kind of definition of (a). I haven't got it.

MR. STEVENSON: Mr. Chairman, I just received a memorandum from Gary Posen that unfortunately we had not had before. I think he makes some very useful comments on the question; first repeating many of the arguments which many of the members have made about the problems of achieving results from a public conference; then seeing that it is public, perhaps one of the main aims of it should be educational one, rather than one necessary to arrive at any kind of consensus among the leaders of government who are there to at least have issues joined by the leaders of government in an atmosphere where a great many Canadians who may not have thought of many of these issues, become exposed to them.

If the aim is to have a great deal of publicity sent out, perhaps this can be made to work for the benefit of the country as a whole in a very positive way, the way in which I think all of us tend to look at the publicity aspect of it.

PROF. MEISEL: It seems to me that one thing that this Conference -- two things really that a conference of this sort can achieve: one of them, if things go remarkably well it is conceivable there might be some clarification of issues, at least clarification of the points of view of all the participants insofar as the other



participants are concerned; that in a freer atmosphere than normally prevails in these conferences, each province and the Federal Government can state its position and in a way which normally perhaps is not stated, because it is always tied to some specific problem.

Secondly, presumably the publicity aspect could lead to the public having a very dramatic sort of progress on some of the problems that the country confronts.

Therefore the second function would be simply to put some publicity into the kind of questions which Canada faces.

Now, in neither case is it, of course, possible to achieve any concrete results and I think that the idea that you mentioned earlier, Mr.

Chairman, of this being perhaps the first of a series of conferences, strikes me as an exceedingly good, in fact, necessary one; that this way you can have your little party and then hope that something else will develop. If nothing develops, then probably a way can be found of letting the thing quietly disappear. On the other hand, it may well lead to additional or perhaps even private talks.

So that I think the two objectives that have been mentioned to me suggest that one would have to have a fairly formal presentation of the

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position of each of the participants; that you cannot just rely on a very well put together agenda to bring out the points of view, but you would also have to link to this agenda some sort of scheme whereby each participant would present a very well argued and well prepared statement about the kind of thing that he considers to be particularly relevant.

PROF. CONWAY: Mr. Chairman, in deciding to call this conference, the Prime Minister took an unprecedented step, and I assume therefore that he had some very definite purpose in mind, and that the agenda or our discussion of an agenda would stem from that.

Now, what did he have in mind when he thought up this idea - just a discussion or does he have a policy, is he going to come out with a new idea about Confederation?

THE CHAIRMAN: I don't suppose we have handy the statement that was released to accompany the Speech from the Throne in the press release, which laid out, as I recall a summary of the objectives?

PROF. MEISEL: It is dangerous to impute motives to Prime Ministers, but it seems to me that there were some motives that were not stated. Obviously he was under considerable pressure to show that something was being done in



this area, both to Canada at large and also to the people of Ontario. My impression is that he felt that something needed doing and this seemed at the moment to be the useful thing to suggest there and he suggested it. I have a very strong impression that this is as far as his definition of the problem went at that 'point, and he knew that there were all these papers that we had accumulated and assumed that something could probably be squeezed out of them to make a definite agenda for a conference.

MR. PERRY: I think he probably made the correct assessment too, that the atmosphere of the conference called by a provincial Premier would be quite different than one called by the Federal Government. One goes to Ottawa to exchange pretty heavy blows usually, and there is a very charged and belligerent sort of atmosphere about most conferences, which I do not think should exist in this one.

THE CHAIRMAN: No, the words "relaxed, non-decision-making" were used advisedly. It has the meaning that conferences do not make decisions, but the non-decision-making applies to things such as a fiscal conference where decisions, I suppose, are made unilaterally but still they are presented there. This was not to deal with issues over which there had to be any immediate resolution.



DEAN LEDERMAN: Mr. Chairman, might this be the sort of thing that the Premiers in this conference might get into? I do not see how they can avoid discussing the main features of the constitution as it relates to the problems of the country, and they cannot be that relaxed if they do not do that.

If you start discussing, for instance, distribution of powers, of legislative powers, governmental powers, between different levels of government, the Premiers could each say what he feels is his main area of difficulty in relation to powers, his main area in relation with municipalities, in relation to the Federal Government. One could get a definition to some degree. You can perhaps get some conditioning of what we called at Kingston "grey areas" in the distribution of powers where better definition of the distribution of powers needs to be made.

If this sort of discussion went on, then this would lead to decisions, could lead to decisions about further conferences; that you need a further conference, for instance, to work at the definition of the whole area of consumer protection, which in many ways falls both ways.

Is this the sort of thing that might happen?

THE CHAIRMAN: Yes, I think too to come back to John's question, that the original

suggestion, after all, came forward in the middle of the week, last week of October, of the Federal-Provincial conference last autumn.

What it represented really was the feeling and the opinion of a practitioner of the Canadian Federal system over a period of six years, a mounting sense that there were things that were wrong in our federal system of government, and this came to a head, I would say, by dint of the frustration of that October conference, perhaps in terms of the very thing that the Federal-Provincial conference as an institution is not equipped to do —— that is to say, make decisions which do have Federal-Provincial implications.

There are a certain set of problems, and I suppose if one wants to sum up the situation it would be this way, there were a certain set of problems which probably could only be settled by Federal-Provincial decision-making. We feel the system of government does not provide the apparatus for Federal-Provincial decision-making.

PROF. BRADY: The purpose of this conference then would be for the provincial Premiers to make submissions about how they think the federal system is working?

THE CHAIRMAN: Or not working.

PROF. BRADY: Or not working - how it is



working and how it is not working, and then they will sort out in discussion these views and try perhaps to reach some kind of agreement or agree to investigate some specific things which they particularly find are important in their various submissions.

In other words, it is a way of getting the Premiers to state what they think about the Federal system as they see it from their individual provincial angles.

THE CHAIRMAN: That is right, and I would add that this observation of Mr. Robarts' in October also struck a very responsive chord, of course, in Mr. Johnson, who went away and said he felt that this was the first evidence he had had that an English-speaking colleague felt some common frustrations with him as a French-speaking Prime Minister, and that a willingness to come to grips with those was a very healthy thing. He certainly went away very much in support of that idea.

MR. PERRY: According to an official in Ottawa, this was Mr. Pearson's attitude at that time too. Later on he forgot about it.

DEAN LEDERMAN: One basic thing about the conference, and it arises again from what you said about this conference that just occurred,

I wonder what the answer to this question is.



The practical politicians probably know the answer, if there is one, better than anyone else. What is the power situation with relation to these various types of Federal-Provincial conferences? Can you ever expect them to be decision-making bodies, or are decision-making centres in the federal system always going to be elsewhere, back in the provincial capitals, in the Parliament Buildings at Ottawa, in the Cabinet rooms and Legislative Chambers?

This sounds to me like the imperial federation of Lionel Curtis all over again. That didn't work. It is the same type of thing.

PROF.McWHINNEY: It can make consensus in one place and the implementation in other places. Isn't that your real issue in terms of Alec's point, in terms of the Dominion-Provincial conference?

DEAN LEDERMAN: I ask myself this
question about Dominion-Provincial conferences
and I made this comment beforehere. The
provincial complaint about Federal-Provincial
conferences is that the Federal Government
determines its position, usually announces it
before the conference is held, and then the
conference is confined to discussing ambiguities
in the federal proposals and what it means. Then
everybody goes home with a sort of take-it-or-leave-it



situation on their hands, and this type of conference is not really a decision-making conference.

13.

I wonder how inevitable this is politically? Is it inevitable politically or is there some way you can modify it?

PROF. McWHINNEY: What about the term for a tax agreement, whether it is five or two years? Presumably there is a Federal position, but it involves a new position from provinces or a certain amount, or a certain amount of give.

I take it there has to be some process of consensus even among the Opposition.

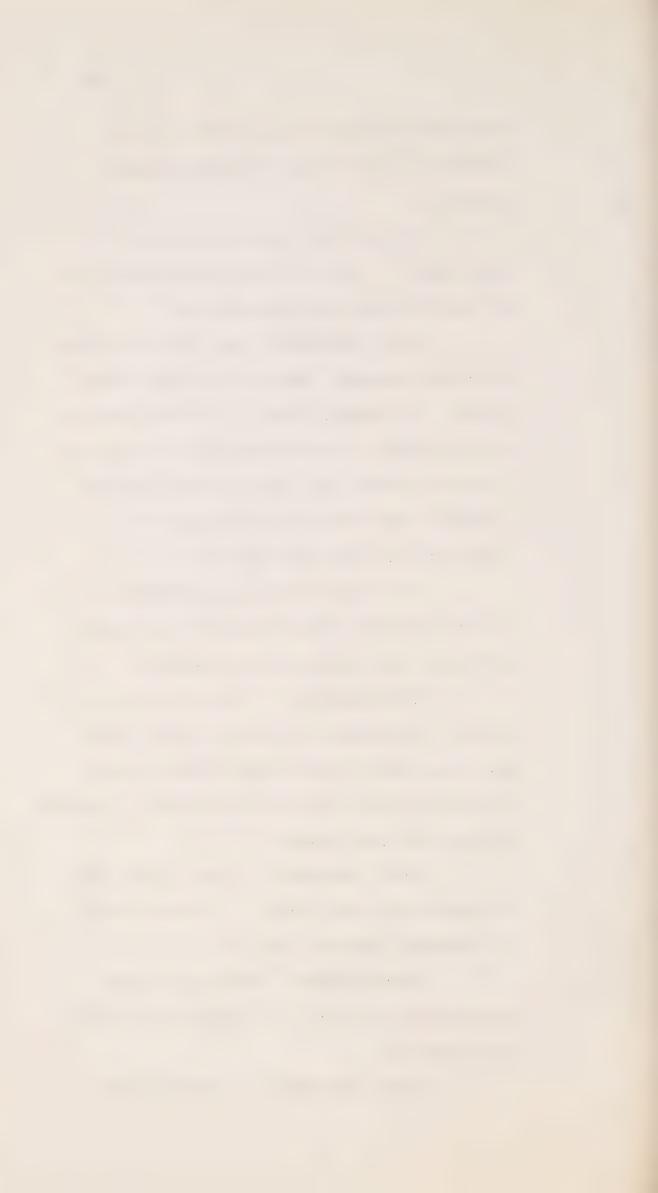
The constitutional implementation of a consensus quite clearly rests in the various provincial and Dominion arenas together.

DEAN LEDERMAN: I know that once you define, the Federal Government's fiscal powers are such that so far it has been able to get away with calling the tune up at Ottawa. I wonder if this will ever change?

PROF. McWHINNEY: It had its own copy in Quebec until about 1800. It wasn't really an adversary situation, was it?

DEAN LEDERMAN: Maybe that is too fundamental a question. I have no idea what the answer is.

PROF. McWHINNEY: I suppose this



conference if it is going to be meaningful, discusses issues like this. For example, Mr. Johnson's statement two days ago on income tax, there was a comment on a proposal that sales tax be given to the provinces and income tax and other sources entirely the Dominion. I take it this sort of conference has got to get into these things if it is meaningful, whether provinces will concede that income tax be entirely federal or not. It has got to get into foreign affairs powers, and Supreme Court, which may indicate very little consensus among the provinces on any issue, and others quite substantial.

DEAN LEDERMAN: It is one thing to have what you might call a conference the main purpose of which is educational in itself, showing their needs to one another; another thing to have a conference that is not only going to be informal and educational but decision-making.

PROF. McWHINNEY: If you fling the information side in though, if it is one of your ground rules that it is public, in a way your problem is answered. The decision-making yields in this case to the information and the staking of claims, does it not?

MR. STEVENSON: Mr. Chairman, I wonder, just to try to reach a little bit of focus on a couple of the suggested recommendations of the

Committee, I rather detected from some earlier discussions that if there were consensus at all in the Committee, it was that preferably the Conference should be held outside of Toronto, in order to protect the informal atmosphere.

I would think from that, given time enough, that it would have to be probably at a resort hotel or something like Geneva Park, Couchiching, something like this. I felt there was a bit of consensus there.

Another thing I felt from some discussion of the Committee was that rather than having the conference be led off with statements from leaders of Government, that there would be an opportunity for some outsiders to at least open up some of the subject areas with provocative or otherwise stimulating papers.

If perhaps this impression is right, maybe at least this could be something that could be communicated on. Maybe it isn't.

PROF. BRADY: It is quite unlikely that the Premiers would come together without having the opportunity of expressing their views on Confederation.

MR. STEVENSON: Right.

PROF. BRADY: They may express in their speeches the views of advisers, they probably will in part. They may make very



interesting speeches, because they have thought about the subject beforehand, along with others, with people in whom they impose some trust.

Now, these statements could be useful but I don't think we can go on the assumption that the Premiers will convene together to hear other people tell them how ill the federation is working, because they feel they know too much at present. That is a fair assumption, and what to say will no doubt be influenced by what they gather from their advisers and from their ministerial colleagues, those in whom they have any particular confidence. But don't you think it is a little futile to suggest to the Premier, Mr. Robarts, that there ought to be lead-off papers by other people?

PROF. FOX: I would like to second that.

I think we are just dreaming if we imagine that
a group of the leading foremost provincial
politicians are going to come together to listen
to people like ourselves engage in academic
discussions. I think it is really inconceivable.

Secondly, I wonder why the date of

November has been chosen? Is that fixed? It

seems to me that earlier in the Fall would be

better, unless there are other reasons.

MR. PERRY: After Expo, yes.

PROF. FOX: Expo takes Quebec out.



THE CHAIRMAN: Expo or Expose.

PROF. FOX: This relates to the location of the meeting. That is, I think there are few places that you can imagine these Premiers meeting and discussing weighty matters that are not in Metropolitan centres at that time of year. Where are they going to go and how are they going to get there? Also, if it is to be a public educational conference, they want to be close to points of media of distribution of news. It is a question of whether the mountains are going to come to Mohammed or vice versa, rather than going somewhere where they have a lot of television cameras.

THE CHAIRMAN: Someone made a suggestion which I thought was a very good one, perhaps at our last meeting, that it might be held right at the end of Expo in the Ontario Pavilion before it was taken up.

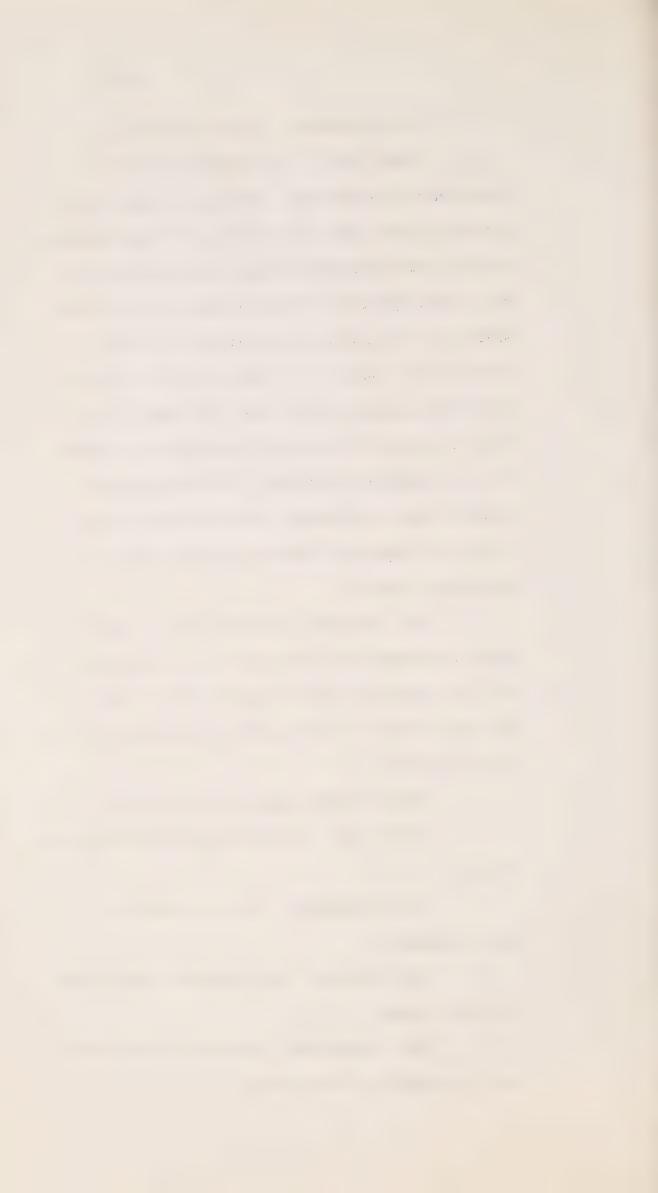
PROF. MEISEL: Could it be blown up?

PROF. FOX: Make an elaborate television finale.

PROF. McWHINNEY: Is it a series of little wigwams?

THE CHAIRMAN: Each province would have a little wigwam.

PROF. McWHINNEY: Because it gets pretty cold in winter on that island.



THE CHAIRMAN: They could live in Habitat and work in the Ontario Pavilion.

DR. FORSEY: You said something at one point about the question of what other provincial governments might like to see on the agenda.

I gather that the Premier has had something of this sort in his head. Have you any light to shed on that? It seems to be very relevant.

THE CHAIRMAN: No, I think his notion would be to consult with them in advance and get their views on the agenda, but he would need something to begin from.

PROF. FOX: I think if we are realistic, the only point we need to consider about the agenda is what order the Premiers are going to speak in, because in two days the time will be pretty well occupied by the politicians giving their addresses. Looking at it realistically, if eight of them show and you have half an hour or an hour from each of them, how much time will there be?

DR.FORSEY: Start off with the two eccentrics from the two ends and gradually down to those that are rather less odd.

PROF.CONWAY: Have the invitations been issued, Mr. Chairman?

THE CHAIRMAN: No.

PROF. MEISEL: It would be possible I should think, or perhaps I am being somewhat



unrealistic, to prepare an agenda and ask the

Premiers not to make speeches; simply have a

dozen topics.

MR. MAGONE: What a hope!

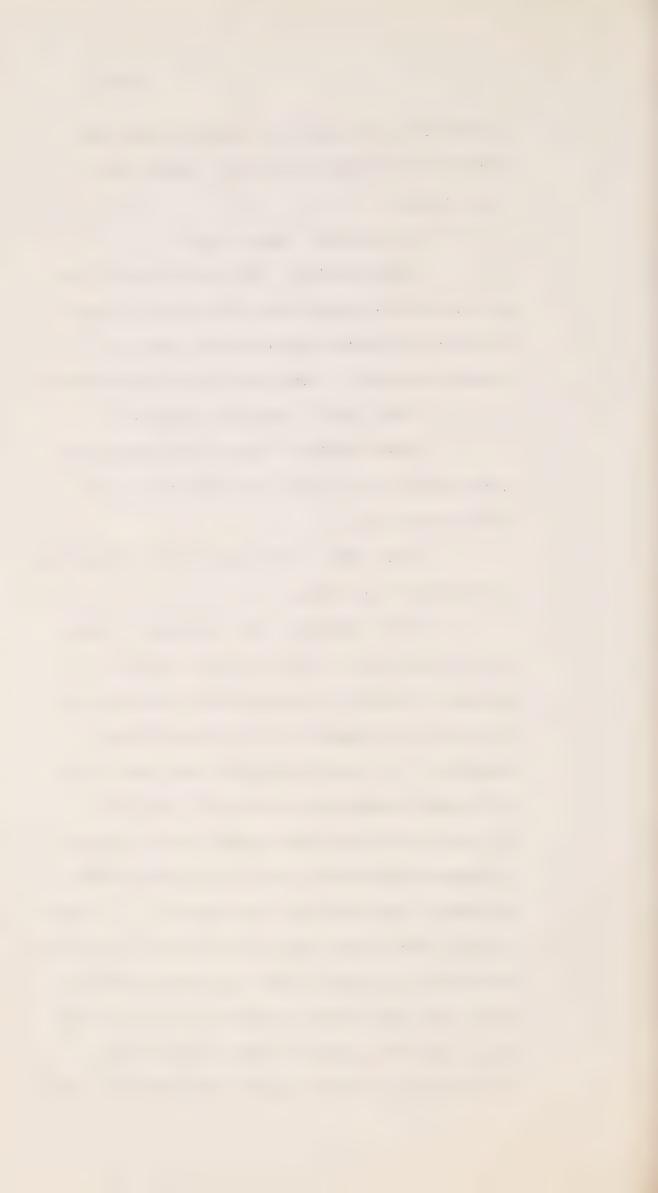
THE CHAIRMAN: You know, they are not as vocal as you might think from this. At many of these conferences two or three given an opening statement; many give no opening statement.

PROF. FOX: They are not public.

THE CHAIRMAN: No, but the statements come out that are given, are right out in the press right away.

PROF. FOX: But they are not productions on television and radio.

PROF. SYMONS: Mr. Chairman, I think
we are being just a little bit too cynical
perhaps in regard to the political instincts of
the provincial leaders on every conceivable
occasion. I certainly think that some of the
provincial leaders have an ability and a real
inclination to take part in a much more thoughtful
programme than the one that in our weak moments
we seem to feel this must inevitably be. I think
certainly Mr. Roblin and Mr. Stanfield, for example,
have shown on occasion that they would genuinely
enjoy and enter into a thoughtful conference that
had a real discussion of worth while matters.
Mr. Stanfield, I think, quite astonished the people



by his approach to the Conservative Conference and discussions at Fredericton which he attended throughout, at which he said absolutely nothing except to ask the occasional question and clearly found it tremendously interesting and enormously worth while. I do not think it follows at all that all the provincial leaders, and certainly not the better ones, would feel compelled to take the stage.

DR. FORSEY: Stanfield is about the only one you can rely on to keep quiet, though, if he had nothing to say. The tragedy of it is that he would have more to say almost than any of the others, if he was willing to say it.

PROF. McWHINNEY: Mr. Chairman, what is the difference between a Premier and a Prime Minister?

DR. FORSEY: None.

PROF. CONWAY: It is a matter of custom?

MR. MAGONE: No, it is not a matter of custom. This is one of my bugbears.

THE CHAIRMAN: Let us have it, Cliff.

MR. MAGONE: Is that the Federal Government have attempted pretty successfully to foist their views on the whole country, by calling the Prime Minister at Ottawa "Prime Minister" and the rest "Premiers" so that there is a distinction.

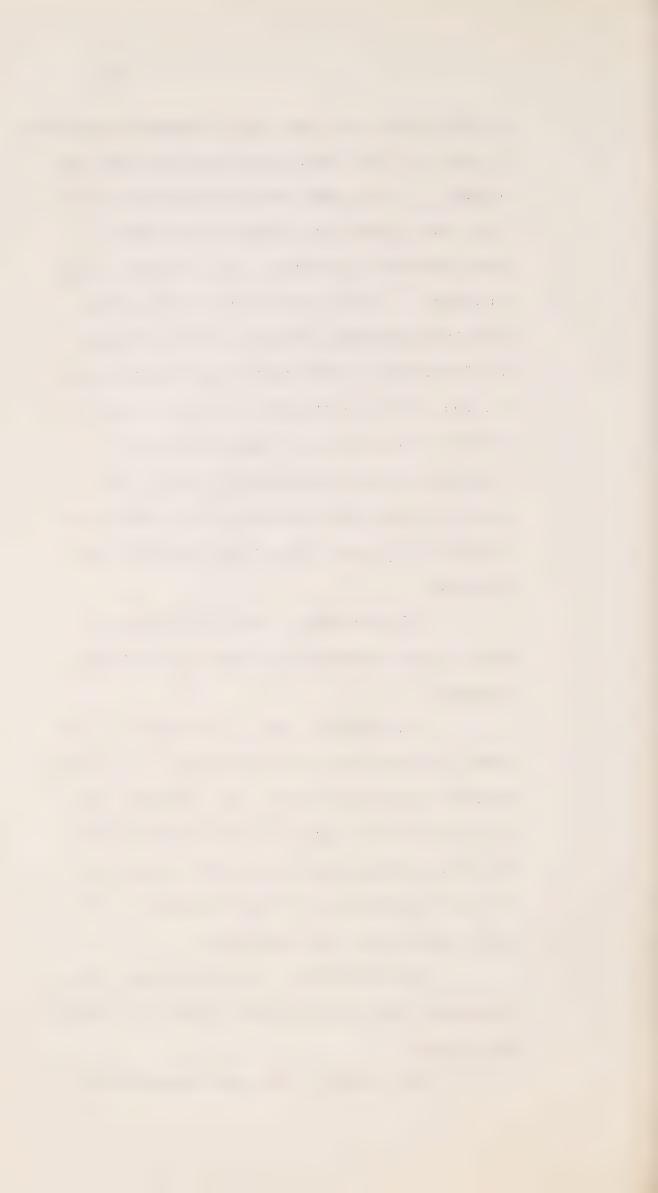
In fact there is not any, and I remember discussing it with Mr. Frost when he was Prime Minister and saying: "If you want some verification of this, just look outside your window at the first Prime Minister of Ontario. It is printed right on there". That is why he has continued to have the letterhead printed as "Prime Minister and President of the Council" and I just noticed for the first time that Mr. Pearson in one of the letters he wrote to our Prime Minister in connection with this very matter, he at last called him the Prime Minister and in some of his speeches he has said "the Prime Ministers and Premiers".

THE CHAIRMAN: Now the conference is known as the Conference of Prime Ministers and Premiers.

DR. FORSEY: That is all eyewash. The terms are absolutely interchangeable. In Great Britain for a long time the term "Premier" was used over and over again for the Prime Minister, and this country down to the 1890's they used "Premier" primarily and "First Minister". He is still legally the First Minister.

THE CHAIRMAN: In Great Britain they frequently refer to the Prime Minister as "Premier" don't they?

DR. FORSEY: Yes, in common parlance or



even in the House of Commons right down to the '90's they would say "First Minister" not "Prime Minister" or "Premier"; or "The Premier said so and so, First Minister said so and so - Prime Minister"; they are all the same. It doesn't matter which you call him.

MR. FARRELL: In one meeting Prime
Minister Lesage said that there is no translation
of "Premier" in the French and the only translation
was from "Prime Minister" to "Premier Ministre".

DR. FORSEY: "Premier Ministre" in

French. The word "Premier" is just short for

"Premier Ministre", or First Minister. In fact

originally the word "Premier" was looked upon with

some suspicion in some quarters in England as being

a French innovation, so Disraeli, for example,

preferred to call himself The Minister. He

disliked the term "Prime Minister" or "Premier";

he preferred to call himself simply "The Minister".

THE CHAIRMAN: I think some are drifting away, and perhaps we have had a long day and we should wind up.

DR. FORSEY: He asked a question about this business of "Premier" and "Prime Minister".

THE CHAIRMAN: I was going to say that at the last Federal-Provincial Conference,

Mr. Smallwood began with quite a strong protest that some provincial leaders were known as



"Prime Ministers" and others as "Premiers" and he thought this was unfair, and that they should all be entitled to be known as "Prime Ministers"; that he felt this implied somehow that they were second-class citizens. Actually Mr. Pearson got quite a good crack in. He said: "We appreciate some of us are second-class Prime Ministers. You are a first-class Premier".

MR. MAGONE: The Premier of France; and they used to call Stalin the "Premier of Russia".

PROF. McWHINNEY: Unofficially; he was Chairman of the Council of Ministers.

⁻⁻⁻ The meeting adjourned at 5.30 p.m. until 9.30 tomorrow, Saturday, April 22nd, 1967.



SATURDAY, APRIL 22, 1967

--- On resuming at 9.40 a.m.

THE CHAIRMAN: I welcome you back on what may yet be a sunny day, it appears, and perhaps we can resume now.

The Prime Minister will be coming in at ten o'clock or thereabouts, and among other things we may talk to him about is the Confederation of Tomorrow Conference. We had a rather discursive discussion yesterday afternoon, as you recall, and I would rather like if we could sharpen up or move in on a few issues that we could present to him as a basis of discussion this morning.

PROF. FOX: Mr. Chairman, I had one general comment. I was reflecting about why our discussion was perhaps not more productive yesterday afternoon, and I think basically the problem is that we, as a group of academics and I think most of us would feel we were that, have a very different approach to our expectations of what this Conference might be, than the Prime Minister would.

It is necessary to take his approach to it; it is his Conference and not ours, and we might like to turn it into an academic debating session, but it is unlikely. I think if we recognize these differences, then perhaps we can



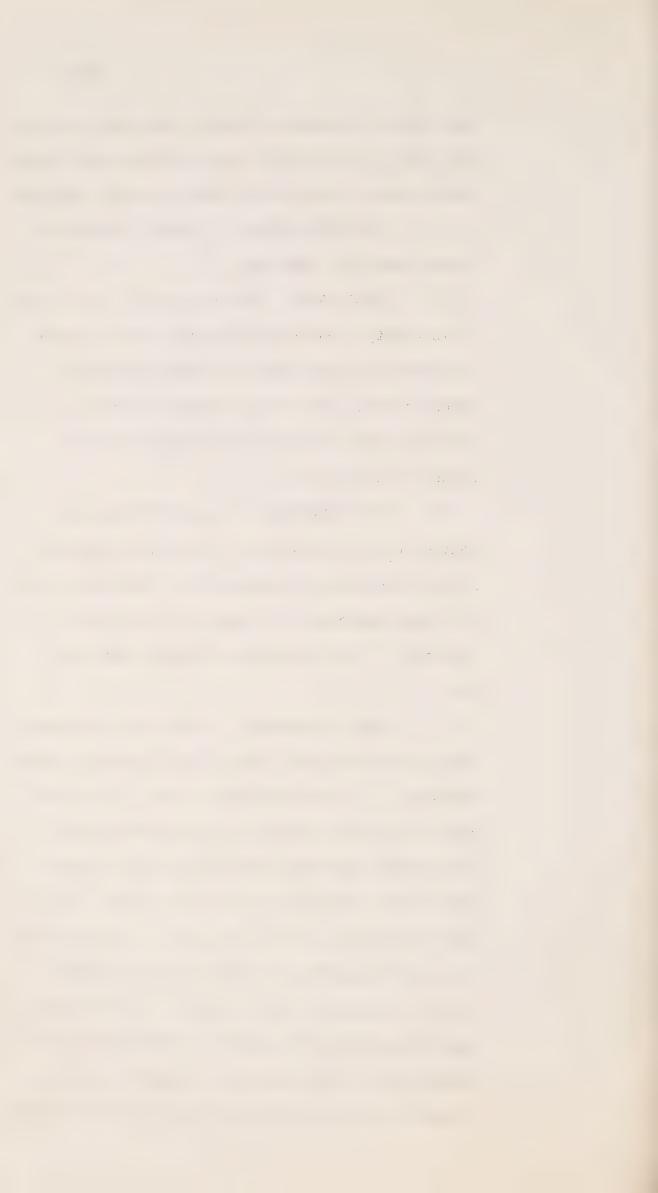
make greater progress, frankly accepting the fact that the end is probably an educational one rather than a seminar devoted to constitutional problems.

PROF. McWHINNEY: Unless the Premier himself wants it that way.

PROF. FOX: If he wants it, but I think it is pretty clear he is thinking more in terms of a sort of broad public educational venture, which is fine, but I think we need probably to drop our ideas of having learned papers and things of that sort.

PROF. MEISEL: I reached the same conclusion, Mr. Chairman, but having reached it I was no better off then before. How do you get the Prime Ministers to engage in this kind of exercise? What should we suggest that they do?

this on the way over, and we feel we have a viable solution. I accept Paul's point. It is the Prime Minister's decision what he wants to do and, beyond exploring the implications to help him in this, we follow his views on this. Bill and I talked this over on the way in, and I think, Bill, you suggested, it seemed to me, a viable method of reaching the two goals. The Premier wants some public discussion on constitutional issues, and at the same time he wants to avoid, I take it, name-calling and a sort of noisy debate.



Bill suggested a two-way breakdown.

DEAN LEDERMAN: I am not sure I am as optimistic as you are as to the viability of this solution, but one tries one idea after another and that is all we are doing.

You might have the one or two day -must have the one or two day public conference
of the heads of government, and they speak, I
should think, about things they choose to speak
about; and one could, if one wanted, have that
followed by a conference of experts, and the
Premiers go home and the experts continue
exploring in detail the ideas that the Premiers
had indicated.

The public session is committed to publicity all the way. The sessions of experts could be completely private or partly public and partly private. You can use the device of the plenary session which meets in public and has some proceedings in public, but which breaks up into private sessions at a different stage of the gathering.

I think out of our discussion yesterday
it became clear that one could not combine these
two types of things, but one could follow the
other -- if indeed both are wanted. I am not
sure both are wanted, but when Mr. Robarts speaks
of this being the first of a series of
conferences I should think he has got the so-called



scientific conference, conference of experts, in mind too. He has got some of this in mind.

PROF. BRADY: In other words the experts, as you call them, could follow up and perhaps present some matters that would be of interest to the Prime Ministers in a subsequent conference.

DEAN DILLON: I think I agree with this. I was talking to the Chairman just briefly last night, and he made a suggestion which reinforces what you have said, Bill.

There is a beginning and an end which is public and which would provide the people of Canada with the view of the Premiers and Prime Ministers discussing these issues of Confederation; and the middle is held in tamerallery, and part of this could be formal with the experts and perhaps part of it, the most effective part, will be in the hotel rooms and so on where they can really let their hair down. This will have fulfilled the commitment that it is going to be public in part and will have provided a platform from which these other meetings can take off.

PROF. McWHINNEY: If it is of help,
Mr. Chairman, it might be that such a conference
to a conference could usefully be held in the
university. If Queen's wished to hold it, in
view of the excellent experience we had, certainly
nobody would wish to compete with them, but I would

be prepared to arrange for an invitation to come from McGill to hold it in Montreal, if you wish.

PROF. BRADY: The time of the conference is important in relation to this.

I do not think during term would be really very feasible, would it?

DEAN LEDERMAN: It would be pretty difficult for the university to arrange during the term. Mind you, if you put the whole thing in a good hotel ---

PROF. MEISEL: I think it can be done.

We had a peace-keeping conference during term

time, and it has worked exceedingly well. Of

course, the National Defence College provided

some very useful social amenities.

THE CHAIRMAN: I am sure peace-keeping would be a very good precedent. Is there a Sir John A. Macdonald motel or some such?

the way the discussion is going very much. I think we are beginning to see our way out of this now. However, if you want to have a private part of this conference and we hold it in the middle and at the same time more or less as the other one, it will not be private. There will be an army of newspaper men lurking around. I would not put it past some of them to bug" every single room in the building. I am serious. They have done it in other meetings which were

supposed to be of this kind.

I think if we really want to have a private sort of discussion, it will be better to hold it at some other time and place than this great public spectacle of the Prime Ministers.

PROF. McWHINNEY: This is the difficulty, is it not? A public discussion of heads of government, I don't think -- this is what we all felt surely, yesterday -- it is not really viable unless they are elected as a constituent assembly; and even though the India-Pakiston experience is the main reason and is a very horrible one, I think Bill's thought of a kind of combination was that you would give one day for the public side, which would be enough, and the supporting scientific side in which quite obviously the heads of government would not want to be involved (they do not want to listen to professors giving learned papers) that would follow on logically. There is no difficulty. Anybody who has presented a scientific paper has had experience of both private and public ones, and you write different types of papers for each.

PROF. MEISEL: Maybe the thing to do would be to have an expert conference and not try on this round to go into this. I think the moment you make it public, newspaper men become much less interested and it may be much more



private than if it is a private conference.

PROF. McWHINNEY: It has got to be a second Charlottetown debate beyond any '64 one.

DEAN LEDERMAN: The experts have the advantage that they are not politically responsible or elected people.

PROF. McWHINNEY: They are expendable and irresponsible.

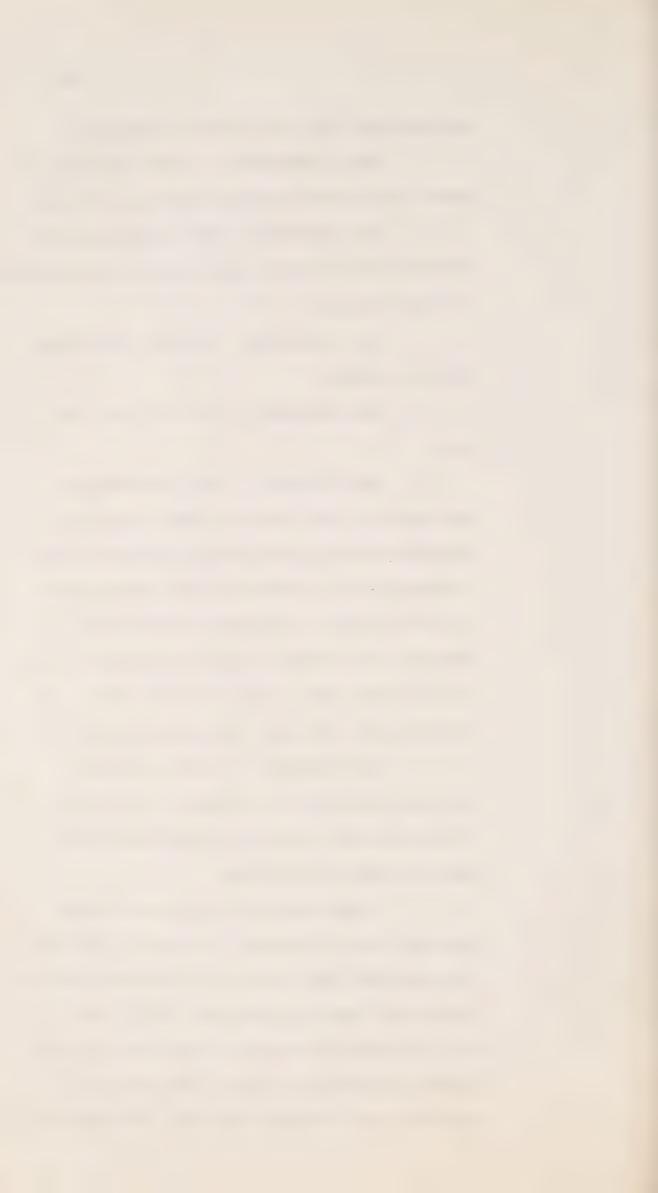
DEAN LEDERMAN: I did not use that word.

PROF. MEISEL: But the advantage here could be that one might plan a series of conferences and use this first one primarily as a stepping-stone towards the next phase, which could very well be a private discussion of officials and academic experts who might do the kind of thing that we did in Kingston but including more than just two jurisdictions.

THE CHAIRMAN: I would certainly encourage members of the Committee to make any of these specific points or suggestions to the Prime Minister this morning.

I might mention one point or explain one point which I suggested yesterday, that was his suggestion that it would be a two-day meeting. I think the reason for that was not to imply that there was not enough to talk about, but as a practical matter he simply feels from his experience that after two days they are beginning

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to paw the ground a bit about the home front and the thing would decline rather quickly, but this seems to me the optimum run. I suppose, depending on the time, one could conceivably stretch it into a third day, but it seems to be the period over which tension is building. Certainly, although the circumstances were different, that long week last October, after Wednesday, was wearing pretty thin.

DEAN LEDERMAN: This was why I was suggesting, Mr. Chairman, the timing I was, -- two days of the Premiers first and then, as you say, you are not going to hold them for more than two days, I wouldn't think.

THE CHAIRMAN: Yes.

DEAN LEDERMAN: And then the expert groups can stay out longer.

PROF. FOX: This is slightly off the point but still related. Is the Prime Minister aware of thefact that Mr. Byrnes has invited us to attend this meeting with the Federal people?

THE CHAIRMAN: Oh, yes, I discussed that with him before we proceeded further with Mr. Byrnes.

DEAN LEDERMAN: What is the status of that?

PROF. FOX: I do not want to get into it, except it is related.

THE CHAIRMAN: I might just mention it,



because we have to report on this at some point.

The two matters were under consideration: first, the possible timing and, secondly, the solicitation of interest on the part of federal officials. We talked about it last year and talked about it with Mr. Byrnes; and, bearing in mind the time that was required for preparation and the timing of the meetings of the learned societies which seemed to be the two principal considerations, we came up with the last weekend of May, 26th to 28th as probably the most suitable time.

Now, Mr. Byrnes has written to Mr.Bryce (is that his principal contact point?) the Deputy Minister of Finance, with that proposal, and perhaps you can add a word, Charles.

MR. BEER: He has written to Mr. Bryce and Mr. Robertson, but those letters would have just gone out this week, and he had been talking to Al Johnson who outlined some of the difficulties involved. Mr. Byrnes felt that unless he could get the full support of Mr. Bryce and Mr. Robertson in the way that Claude Morin helped us with the Quebec-Ontario meeting, that there would be difficulties in getting a good meeting arranged with the federal people. So that we are sort of at that stage now, and he is awaiting answers to his letters.

PROF. MEISEL: So the conference may



in fact not take place at all.

MR. BEER: Correct.

THE CHAIRMAN: Mr. Robarts is quite pleased at the suggestion. Do you recall, Don, did he actually allude to this in the answer to that question in the House?

MR. STEVENSON: No, he did not. He did say that he was most enthusiastic about the idea, although he did suggest that perhaps this is something he should have nothing to do with himself, as if he had never heard of the idea, but he didn't refer to it publicly.

THE CHAIRMAN: It seems to me that there was a question asked in the House by the Leader of the Opposition about Kingston.

MR. STEVENSON: He said it was one of a series, he understood.

THE CHAIRMAN: I thought he said that this meeting was one of what was potentially a series of meetings among government officials and others under the aegis of the Institute of Intergovernmental Relations at Queen's.

Although that is true, there was no specific reference to this proposal.

PROF. CREIGHTON: The meeting was openly announced in the House, then, was it, the Kingston meeting?

THE CHAIRMAN: It was not announced in the House. There was a question from the Leader



of the Opposition. The Leader of the Opposition asked the Prime Minister if he could explain who had arranged the meeting at Kingston, what it had been about, what had been discussed and who had been there.

DR. FORSEY: What was the reply?

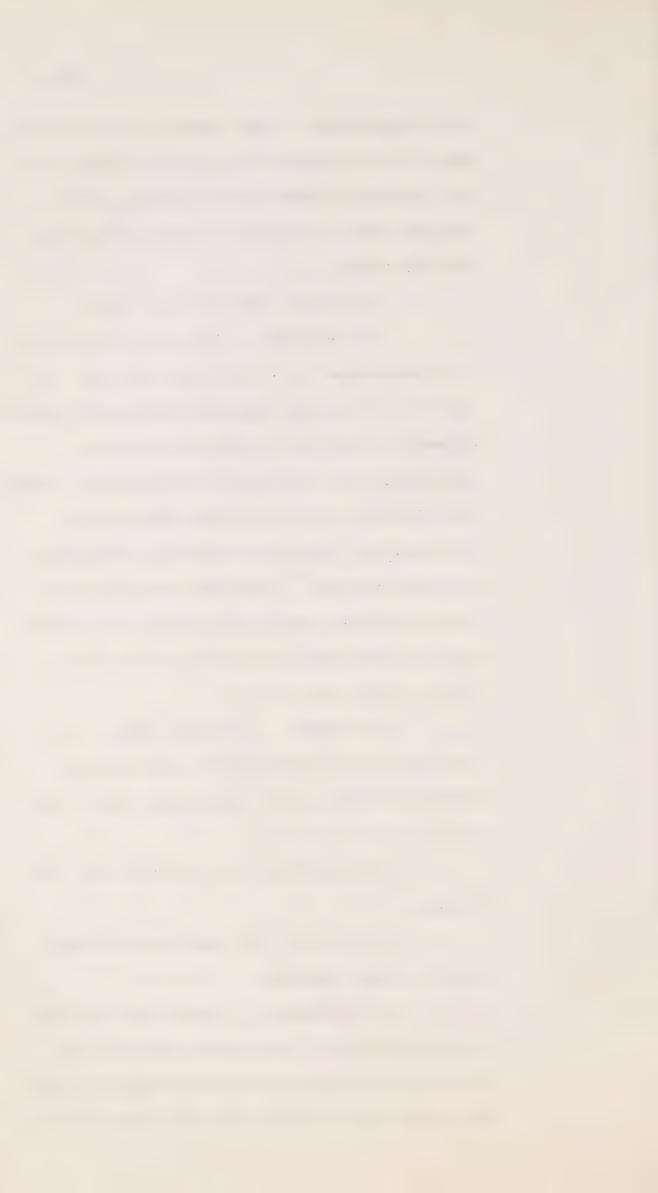
I can paraphrase it, I think, was that the
Institute of Intergovernmental Relations at Queen's
University issued an invitation to certain
individuals from the Ontario Civil Service, Quebec
Civil Service, Ontario Advisory Committee on
Confederation, to attend a meeting, and this was
a private meeting; those who attended did so
in their private capacities without any official
position from their governments or anyone else.
We will send a copy of that.

DR. FORSEY: It is all right. I wondered if the Prime Minister, with the best intentions in the world, had in fact made a liar of me.

THE CHAIRMAN: No, I read it with that in mind.

DR. FORSEY: My name was mud enough with Mr. Greer involved.

MR. STEVENSON: I might say there was a reply prepared to the question which he did not have available at the time the question came up, so he didn't actually give the terms of the



prepared reply; it was more or less an off-thecuff explanation.

THE CHAIRMAN: I think it came out all right.

MR. STEVENSON: It came out quite well and met the main points which we wanted put.

THE CHAIRMAN: As far as the Advisory

Committee was concerned, there is a question about
the Committee again under the vote.

MR. STEVENSON: The only question was whether anything is going to be published by the Committee.

PROF. FOX: Has the vote been passed?

THE CHAIRMAN: Yes.

PROF. FOX: Have they cut us to a dollar again?

THE CHAIRMAN: No. As a matter of fact during the estimates Mr. MacDonald, as I recall, did not raise any question at all.

Mr. Nixon asked if there had been any changes in personnel or any resignations from the Committee and he was informed about the status of Mr.

Justice Laskin and Father Matte; and would the Committee be making any views public, and that was the time that the Prime Minister announced that these studies and background papers would be forthcoming shortly.

MR. STEVENSON: And Kingston was the third question, and that was it.



THE CHAIRMAN: That is all there was this year. You are in better graces this year.

PROF. CREIGHTON: What is the explanation of the change? This is before any promise about the publication of the studies.

THE CHAIRMAN: I think the members of the Opposition, their leaders, know a number of the members of the Committee, and I think they quite honestly understand and appreciate the position of the Committee.

MR. PERRY: At least they are not doing any harm.

MR. STEVENSON: In answer to

Professor Creighton, I think one point that did
take the edge off was that the first question
was on publication and that was answered, that
the papers were published and I think the
Opposition was mollified.

DR. FORSEY: I think the change in demeanour the Opposition Leaders /can be summed/up in the words by of many years ago:
"How is Mr. Higgins behaving? Lovely, more like a friend than a husband". I think
Mr. MacDonald or Mr. Nixon are behaving more like friends than Opposition Leaders.

MR. STEVENSON: There is one other thing to add. Mr. Nixon did put Mr. Robarts on notice that he felt it was not the proper



time to discuss the question under the Department of Economics and Development estimates; that he wanted to expand his views in the debate on the Confederation of Tomorrow resolution.

PROF. CREIGHTON: Which is again postponed.

MR. STEVENSON: Which is again postponed.

PROF. McWHINNEY: The Premier has not considered the use of the committee system on this further, has he? You notice one big constitutional development in Ottawa is that the External Affairs committee for the first time at the insistence of Opposition members and over Mr. Paul Martin's not quite dead body, has summoned outside experts, and this is becoming a general policy with the External Affairs committee. They simply felt they were not getting enough independent information through the Minister. It is quite an interesting development in the Federal Parliamentary system. It is possible the Premier may want to consider that in relation to the Ontario Legislature.

THE CHAIRMAN: It will be interesting to see what comes up during that debate and how it turns.

PROF. BRADY: What other business,
Mr. Chairman, are we going to examine now, or have
we time?

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MR. PERRY: What about Ottawa? We haven't mentioned it except casually. To be more precise -- the Federal Capital District.

THE CHAIRMAN: That one item of business that we did not get to on our agenda yesterday is that point, a discussion of the Federal Capital District in the light of the brief of the Western Quebec Regional Economic Council. Perhaps we might start that subject now and we can resume it if the Prime Minister arrives in the interval.

PROF. MEISEL: Could you give us a brief indication of how the day is going to go?

Are we coming back after Lunch?

THE CHAIRMAN: The main point, I think, is exactly how long the Prime Minister chooses to remain here, and in turn how much time we need to conclude our work. In talking to several members this morning, I had the impression that there might be some disposition to try and work through and conclude our work this morning before luncheon. I would be glad to take a straw vote and get some indication of your feelings.

DEAN LEDERMAN: I take it, Mr.Chairman, that the regular meeting will be May 19th. The third Friday will be a holiday.

THE CHAIRMAN: I am glad you raised that, because that is entirely suitable to us, I think, although I notice it is the beginning of



the long weekend. Does that affect any plans of anyone here, 19th May?

PROF. McWHINNEY: Would it be affected also by this Federal-Provincial meeting, if that is held?

THE CHAIRMAN: That would be the next weekend.

MR. SEGUIN: Maybe it would be better to hold it the weekend before.

DEAN DILLON: I would prefer the weekend before.

THE CHAIRMAN: That happens to be out for me. I suppose if the Kingston meeting were not to take place, would the 26th be a possibility, the following Friday? Is that the day that hits you, Tom? Don't you have a fourth Friday problem?

PROF. SYMONS: Yes, but in fact it is Convocation month and I think the Board of Governors won't meet that Friday, I hope, with respect.

THE CHAIRMAN: Let me put it this way.

If the meeting were on the regular day, the 19th,

as far as you know how many would find that either

unsuitable or impossible?

PROF. FOX: I might find it unsuitable but maybe not impossible.

THE CHAIRMAN: One really cannot pre-judge the outcome of the proposal for Kingston.



MR. STEVENSON: If there is to be a meeting with the Federal people, I would hope that the Committee has a chance for another meeting prior to it.

PROF. FOX: Yes, very important.

PROF. MEISEL: I am wondering, Mr.

Chairman, if the Kingston meeting should come off, whether there would be some point in our meeting a day earlier in Kingston?

THE CHAIRMAN: Can't take three days of it, do you think?

PROF. MEISEL: No.

THE CHAIRMAN: Like the Premiers.

Can you last longer than two?

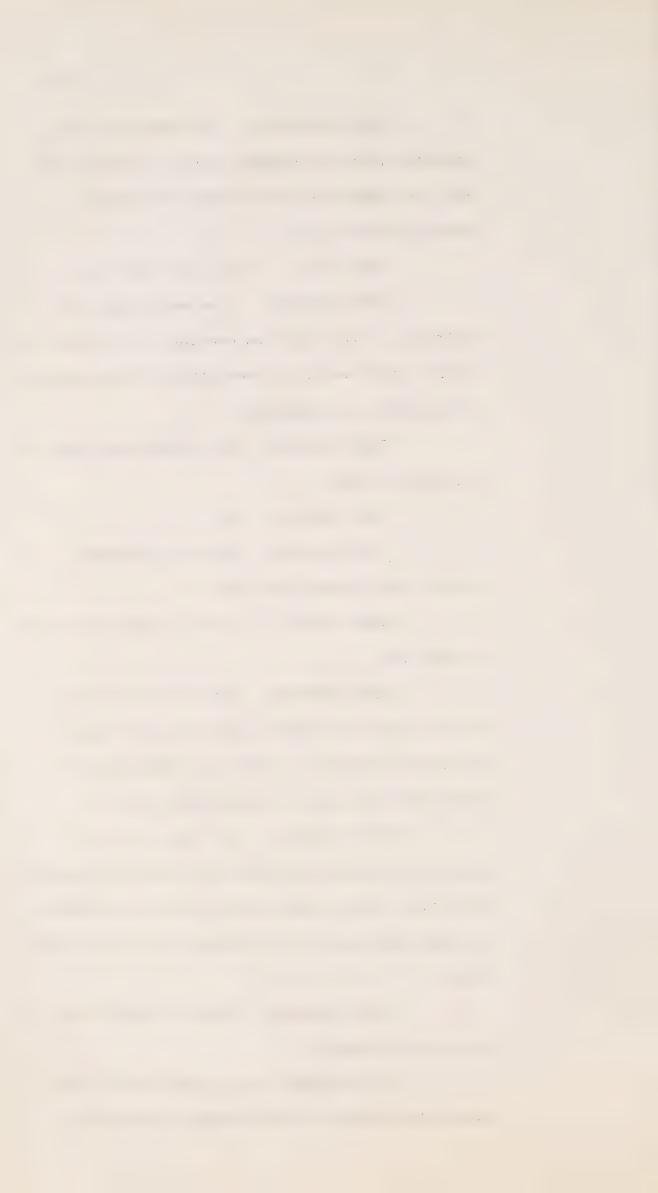
DEAN DILLON: We don't seem to be able to last two.

DEAN LEDERMAN: Since the uncertain meeting with the Federal people is critical to the other position, I think we simply have to leave this with you to communicate with us.

THE CHAIRMAN: As I say, I do not want to be a pessimist, but my intuition suggests that there may be some difficulties in bringing off that meeting with the Federal people at that time.

DEAN LEDERMAN: Time is really very short to arrange it.

THE CHAIRMAN: Well, would you do this? Would the members be good enough to keep the



26th open. If the Kingston meeting doesnot take place, then we will definitely meet on the 26th. If the Kingston meeting does take place, I would be prepared to consider our meeting either here or indeed in Kingston on the 26th in any event, but we can ponder that further.

PROF. CREIGHTON: If the Kingston meeting should take place on the 26th, there will be in fact no regular monthly meeting?

THE CHAIRMAN: If the Kingston meeting takes place from Friday evening, the 26th, to Sunday the 28th, one suggestion here was that we might go to Kingston for Friday and hold our regular meeting on the Friday in advance of the weekend.

DEAN LEDERMAN: The joint meeting would really be Saturday and Sunday, is that it?

THE CHAIRMAN: Yes, as in the last instance.

PROF. McWHINNEY: You would expect a decision in about two weeks?

THE CHAIRMAN: I should expect we would have it within the week, I would hope.

DEAN LEDERMAN: Saturday afternoon is the medical-legal Convocation, but we cannot hold that.

DR. FORSEY: If we meet on the 19th, is there some urgency then as to whatever stage



we are at in various studies? What about Watts?

THE CHAIRMAN: Can you tell us anything about the Watts study? I would hope we would have it before us before then, Charles.

DEAN LEDERMAN: No reason to doubt it.

MR. BEER: I phoned him about seeing if his paper would be ready for publication in one of the volumes, and he said that he expected to have it finished by the end of this month.

He gave that as a fairly explicit date.

PROF. MEISEL: He was using this as an excuse for a number of things that he was asked to do recently, so I guess he is working at it fairly hard.

THE CHAIRMAN: Are there any questions before we turn to the Capital District?

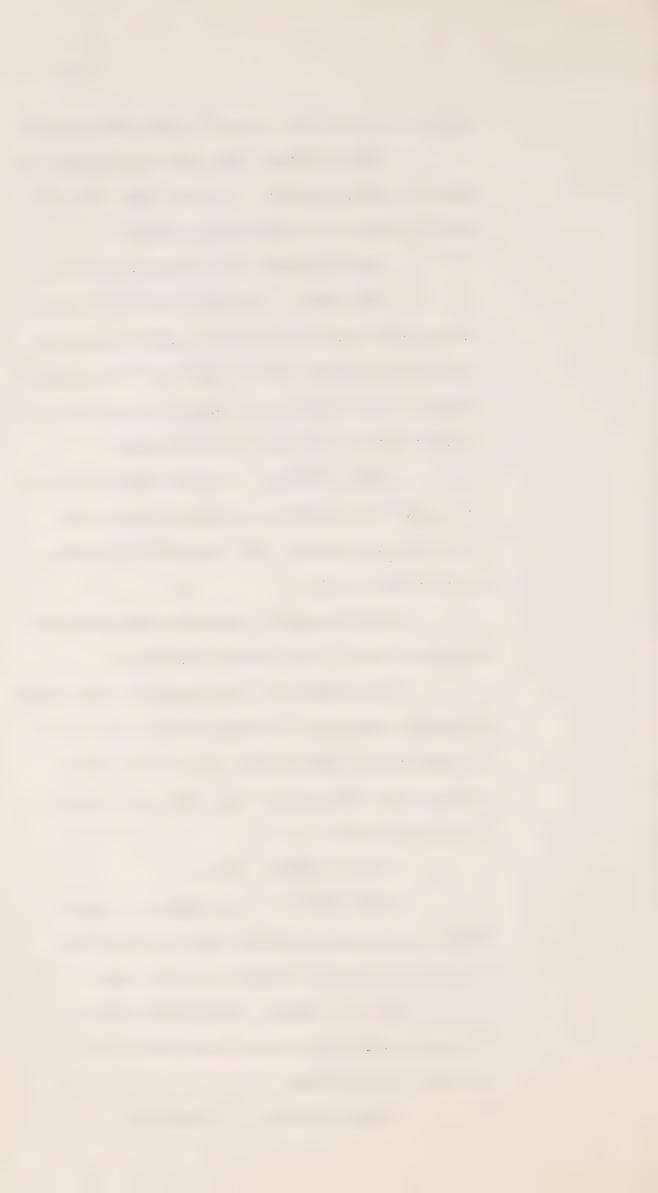
MR. STEVENSON: Depending on how things go before luncheon, it would always be possible to stay at the Westbury at the luncheon table for an extra time around the table and perhaps clear things up.

THE CHAIRMAN: Yes.

PROF. FOX: I was going to suggest that we even work through lunch, if it was not too reprehensible a thought, and get away.

MR. STEVENSON: There would be a U-shaped table which would lend itself to a meeting, if necessary.

DEAN LEDERMAN: I take it,



Mr. Chairman, the net result of our discussion about a date is that the 19th is now very unlikely?

THE CHAIRMAN: I would think the 19th appears to be unsuitable to a number of people.

DEAN LEDERMAN: That would mean meeting on the 26th here as usual or in Kingston.

DR. FORSEY: If the Kingston meeting does not come off, in effect we have no meeting in May.

THE CHAIRMAN: No, we would meet on the 26th.

DR. FORSEY: I shan't be here.

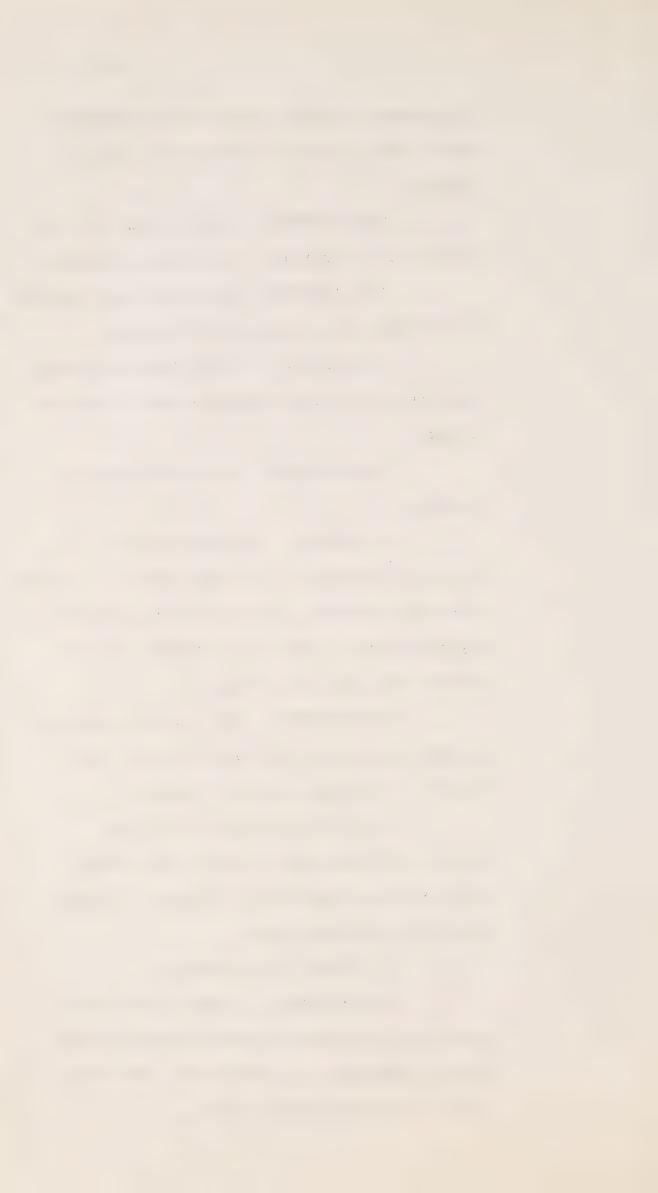
I couldn't be here for the 19th anyway. I wanted to be sure because I did not want my secretary buying tickets on her own initiative and then finding they are unnecessary.

THE CHAIRMAN: May I ask how many will be here for lunch so that we can notify the hotel? Everyone except Mr. Seguin.

I am sorry to come back to the question of dates, but I feel we are perhaps being a little unfair to Dr. Forsey, if people plan for a statutory date.

DR. FORSEY: Good riddance.

THE CHAIRMAN: I want to get quite clearly the difference between those who would find it impossible or undesirable. Who would find it impossible on the 19th?



DEAN DILLON: I would be here for part of the day, that is all.

THE CHAIRMAN: Or the 26th, say?

MR. PERRY: I also have a date on the 26th.

THE CHAIRMAN: Now, those who are not here presumably are counting on the statutory date of the 19th.

DR. FORSEY: For all practical purposes, there are only two of them.

THE CHAIRMAN: McIvor and Gathercole.

DR. FORSEY: Poor Father Matte, I suppose, is still out of commission.

THE CHAIRMAN: John, you are irrevocably tied up?

PROF. CONWAY: I have to be out of town.

PROF. FOX: Why don't we leave it to you, Mr. Chairman? I would be happy to leave it to you when you find out about Kingston.

THE CHAIRMAN: I think it would be better, and if we had an opportunity to consider what business we wished to do in May. Perhaps those of you who can would be good enough to keep the two dates open. I think, say, the end of the week we will try and get a notice out.

There was one other point of procedure that we should perhaps consider in the time we are waiting for the Prime Minister, and that is



the point you raised yesterday, John, about the direction of the Committee through the medium of publication and so on. I would like to get views on that matter.

PROF. MEISEL: Mr. Chairman, my main anxiety was that the policy of publishing a great deal of the material that is prepared by members of the Committee particularly may inhibit the way in which people go at writing policy papers and papers which we perhaps intended to use as a basis for discussion.

I think, as a student of Harold Innis, I am very much concerned about the rigidities of the written tradition. I was wondering whether the thing to do, since we are now committed to this kind of policy, I suspect, whether we shouldn't work out a general policy which might simply state that annually the Committee will publish those papers which it deems: suitable for the purpose, and that we should discriminate pretty rigidly between the kind of things we are writing for our own private use, and the things which are studies that we think may very well be published later; and that a person who is asked to prepare a particular document for the Committee would have a pretty clear idea whether this is something that is going to end up in this permanent form, or whether it is something that will probably just be used by the members of the



Committee and then filed away.

THE CHAIRMAN: Do you feel that any of the work that was published in this set was of a character that the author would have taken an absolutely different approach if it were not to be published, John?

and Fiscal sub-committee's report probably was not penned with publication in mind. It seems to me there are things in that report that were recommendations of the committee passed on to the general Committee. I have not read this recently, but if I remember correctly, for instance, we talked about the percentage of taxes that we think is adequate for the Federal Government if it wishes to exercise certain kinds of control over the economy, and these are positions, I suspect, that we probably would not have put in this particular paper had we known it was going to be published.

Since I am not on that Committee, I can speak freely perhaps. The members of the committee should say something about this, but this is one case where I thought in the future in our Committee, the augmented constitutional committee, or the committee on cultural affairs, if anyone does prepare a report for the whole Committee to consider, we may be inhibited in the knowledge that perhaps that report will eventually be



published.

DR. FORSEY: Was not everybody asked if he wished to make any changes?

THE CHAIRMAN: Yes.

DR. FORSEY: I was asked and took a look at it and I did in fact, certain passages in which I paid my compliments to the Chairman's federal clansman.

PROF. BRADY: I think, Mr. Chairman,

John Meisel has a real point. It is true we

were asked to make changes, and I endeavoured to

bring my paper up to date for the assistance of

Don Stevenson, but in an immense hurry.

DR. FORSEY: That is true.

PROF.BRADY: I do not think that is a very satisfactory way to produce any study. As a matter of fact, my paper is a good example of the kind that John Meisel had in mind. It was couched in terms that were intended really to produce discussion in this Advisory Committee; it was not, as it were, couched in terms that it would be if I were writing this for a learned journal (I would have had more documentation, more analysis, more detail and so on) because I tried to cover the whole federal picture. I do not consider it, in other words, candidly, necessarily a satisfactory learned paper on the subject. I think it was useful for its purpose and it may possibly be useful to members



of the House (I don't know) but if I were
publishing that in a journal I would write it
somewhat differently. There would be a great
deal more data in it rather than presenting a view.
In other words, it is of a rather broad, too
general character.

This is an example, I would think, of the kind of thing that John Meisel may have had in mind. That does not apply to all of the papers. I think some of the papers published are certainly very satisfactory in the form in which they were.

DR. FORSEY: On the other hand, it seems to me quite possible (Alec Brady's paper may be a case in point) that there may be value in making available to the public something that is not quite in the language one puts in learned journals. They may need some of these things, and to have a well-considered paper from someone of Professor Brady's standing and authority and learning, well considered popular type of paper, may well be exceedingly useful. It is quite possible that any volumes we issue should not consist exclusively of learned papers such as would appear in learned journals; that there is another function to be performed.

I agree it would be desirable for us to have more time to look at them and say:
"Is this quite the way I put it for the general



public?" but I should not be prepared to accept the proposition that we should publish only the things which are the same kind that any of us might get into learned journals.

PROF. MEISEL: I think this is true, but I think that Dr. Brady probably would not have written that paper the way he did, had he known it would be published, and from now on we are in an entirely different position, our circumstances have changed drastically, because when we wrote all these things, did all these things, we assumed that they would be private, and in fact we said it would be private. Now any time anything is done for this Committee, we have to contemplate the possibility that it will be published, and I think we have to keep in mind the Harold Greers, for instance. I was looking at the last paragraph of this article where he said:

"Not, however, Dr. Forsey and his
"colleagues on the Advisory Committee."

In other words, we have now assumed a corporate
identity with the newspapermen.

"They are too busy making 'republicanism'

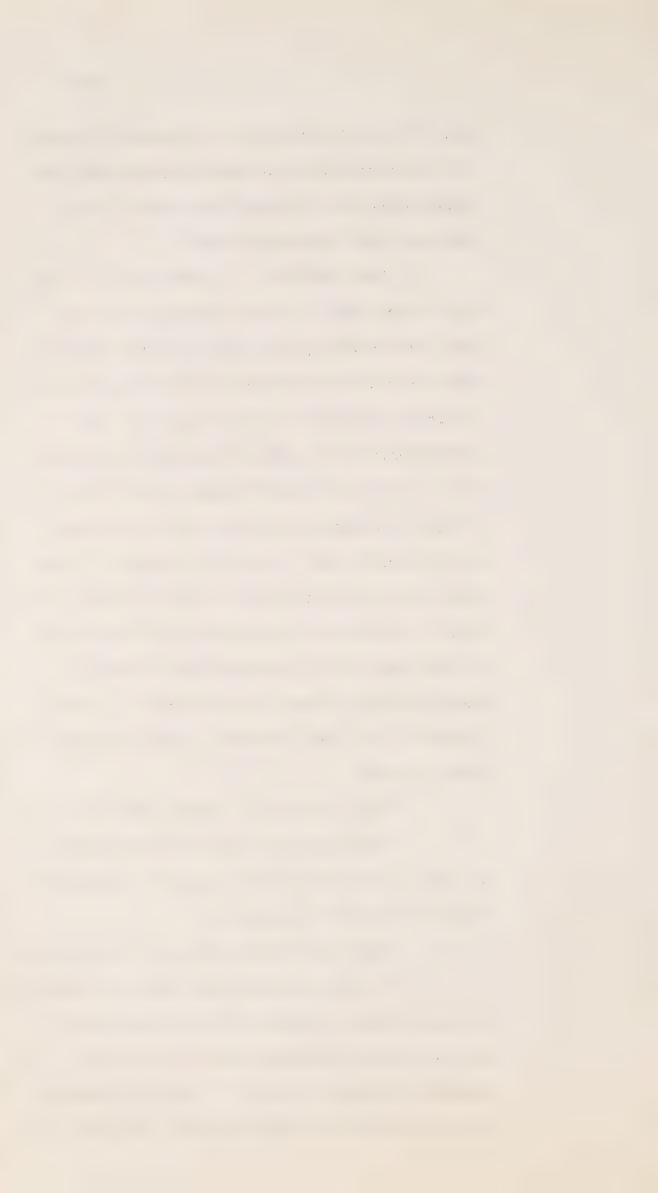
"a dirty word and nay-saying to Quebec..."

Obviously this is absurd and incorrect, but it

is now a public statement which may well be

asserted by Marcel Masse and Mr. Tremblay

and other people in Quebec City as being the



correct version. So from now on Dr. Forsey
with severy other paragraph in everything he writes,
he will say: "I am, of course, only giving you
my own opinion and am not implicating the rest
of you chaps".

DR. FORSEY: Just like the old days at McGill.

John Meisel on this. I haven't really thought of it this way until the outlined his point of view, but I think it is true, by the remark in mercaracticular publication you create a corporate identity and you also become a prisoner of the identity you create, because people being what they are, especially in this case, they won't read additional publications.

It would be interesting to see what the reaction would be to the second and third volumes. I would suspect the rate of interest will decline very rapidly, and it will be assumed that what was in the first volume is typical of them all.

PROF. BRADY: They won't have read the first.

PROF. FOX: They have read enough to get an incorrect impression. We know so many of these are erroneous, but do the public know that, do the Legislatures know that? This alarms me, because individually and we as a group can be in a position of defending ourselves in an

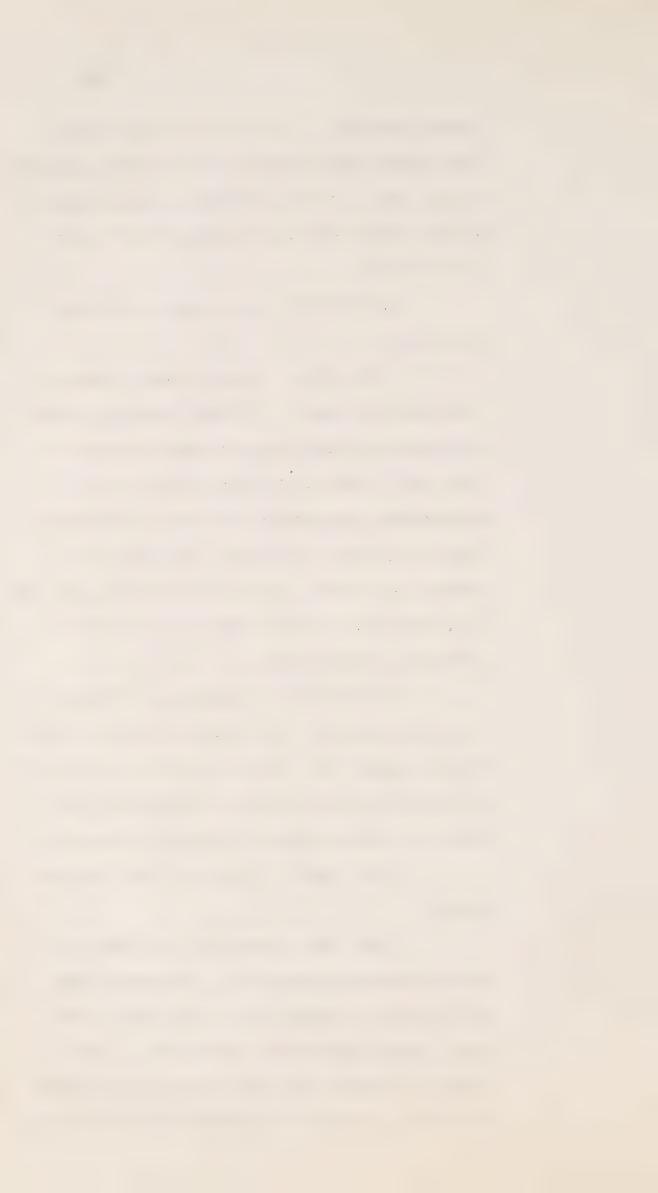


image that is really not accurate, may or may not be accurate.

DR. FORSEY: It seems to me we can meet the situation by putting into the Committee whatever papers we do have, but before the actual publication takes place there should be a given amount of time which will be available for people to take a look at anything they put in and to say: "No, I don't want this published", or "No, I will not have this published in this form. It will have to be changed";

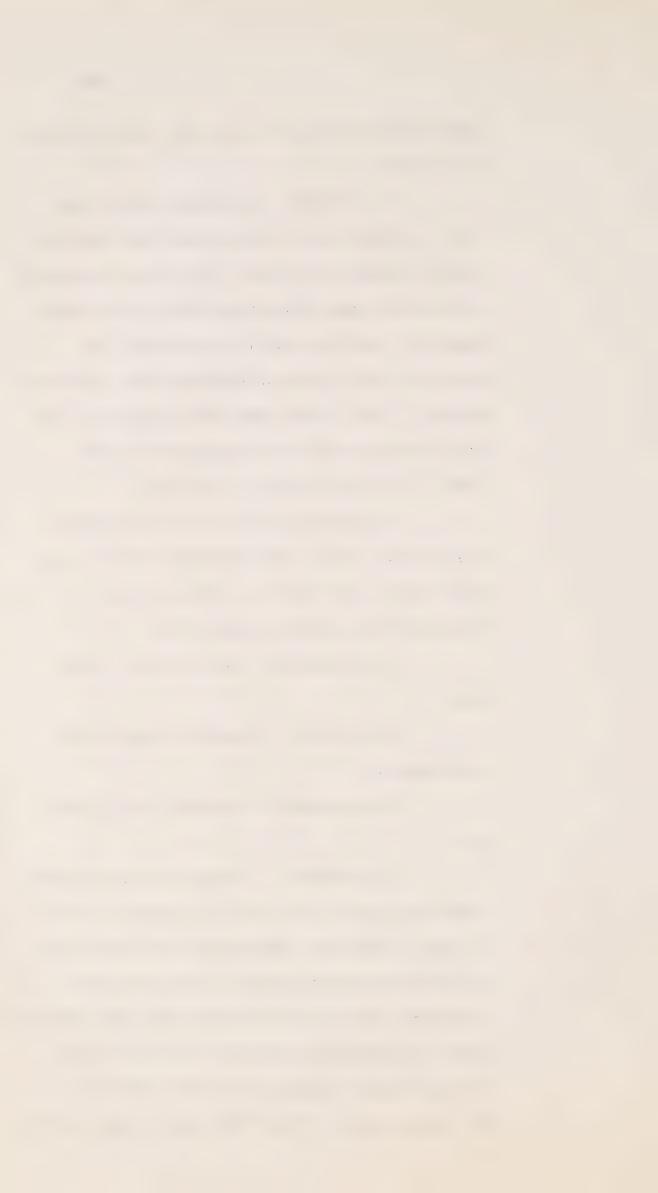
Incidentally, I think it will relieve the minds of some of the Committee if they know that I have just written a letter to the Montreal Star, a short pithy letter.

THE CHAIRMAN: Have you got a copy here?

DR. FORSEY: I have it here but it is illegible.

THE CHAIRMAN: We would like to hear it.

DR. FORSEY: I wound up by saying that
I had been given a job of slum clearance to do
(I said: "Repairs, renovations and re-housing")
on matters on which I have opinions but the
Committee wisely entrusted these far more important
tasks to professional builders and architects.
I dealt fairly faithfully with the store of
Mr. Harold Greer, I might add, and I wound up in



that way. I am sorry I haven't a legible copy of it. I shall be glad to send one to the office. It is fairly short.

DEAN LEDERMAN: On the matter of publication, the other side of the coin -- I feel the force of what John Meisel is saying, but on the other side of the coin I do not think we, as the group of people we are, can expect to meet month after month, year after year, and to do it in complete secrecy and privacy. The issues are too important, the political pressures are too great.

Looking back, although I hadn't realized this to start with, I think it was inevitable that in some way we moved into the public realm.

Indeed, I think, as an awfully dour lawyer, I am in no position to be making practical political judgments, but I suspect that Mr. Robarts and the Ministers of the Ontario Government would be in an increasingly difficult position unless we did put something in the public domain.

PROF. MEISEL: It is for this reason

I think we probably ought to distinguish, and make
a policy decision about distinguishing, between
those opinions that we write or commission which
we really intend to be of the kind that we would
probably publish, and those which we very clearly
think we will not publish.

Now, we can always change our minds

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later, but I think before undertaking a particular job, a member of the Committee probably should have a good idea whether this is the one kind or the other, and this will affect the kind of work he does.

What really bothers me about this is that I am afraid we shall start doing things for the public rather than for ourselves, which will change the nature of the work that we do. I think our usefulness is much greater to the Committee in writing for it, as we all publish these other things as well anyway. We do this, we do publish articles about these problems, or books, but for our own group I think we ought to do things that are geared to ourselves, where we may say things we would not say in print.

PROF. BRADY: I would agree with Dean

Lederman that it was only natural that the Prime

Minister would wish to have some material

submitted to the Legislature from the Advisory

Committee on the issues of Confederation. I think

it was unfortunate, however, that this decision

was made so suddenly, and that we had to prepare

the material so quickly.

I think in the future we should try to ensure that we decide on publication of certain papers with a little more deliberation.

PROF. McWHINNEY: It may go to policy in publication. We originally convened as an



Advisory Committee, and the advisory function is different from the public-information function.

I agree with Bill here and Alec, that inevitably the Prime Minister, with the public discussion, wanted us to get into the public information function, and of course we did. In terms of publication, though, it probably means one has to stress the plurality of ideas and philosophies, if you wish, of the Committee more; secondly either then to have papers written that purport to cover all viewpoints or, if they do not, if they are position papers, to try and get a sort of balance in them, and this is no reflection on the people writing particular papers.

As I remember the balanced discussion of your paper, Eugene, there was a very balanced discussion by Claude Ryan as opposed to Greer.

Claude Ryan made the point: "Why is Dr. Forsey discussing the St. Jean Baptiste Society, because everybody knows that is out of date, 1964 -- it is old hat".

DR. FORSEY: That is Greer.

PROF. McWHINNEY: Ryan said the same thing.

DR. FORSEY: I don't think so. I don't recall, however, I am sorry.

PROF. CREIGHTON: Why is it old hat?

You might remark: "Is there any truth in it?".

Because it is 1964 the St. Jean Baptiste Society



came out with this idea, it does not mean people still do not believe in it.

PROF. BRADY: Is there any reason to believe that it is the Montreal branch of the St. Jean Baptiste Society that has changed its view?

PROF. CREIGHTON: I don't think it has changed its view at all in all likelihood.

PROF. McWHINNEY: If it is only a careless statement, that is it, but I respect Ryan's position in these things. The point would still get into the basic approach that essentially Eugene presented a position held by a very large number of people in Canada, but it still is a particular position and perhaps in terms of presenting the public information function one should simply try and see, in any point, if there are differences of opinion, they are also represented. It will avoid this monolithic solidarity in this Committee which is certainly not true of our work. There is perhaps a wider range of opinions here than perhaps the Ontario-Quebec Legislatures, and this is a healthy thing.

I think this is the regrettable thing of Greer's approach, that in effect he sort of suggested a Stalinistic monolithic solidarity which is just not true and would be unhealthy.

PROF. CREIGHTON: He said that



maliciously because the papers in the volume, included in the first volume there, obviously differed in their general view.

THE CHAIRMAN: There seemed to be an ill-informed or ill-intentioned ---

PROF. McWHINNEY: Or both.

THE CHAIRMAN: Or both -- element to it.

PROF. CREIGHTON: I think ill-

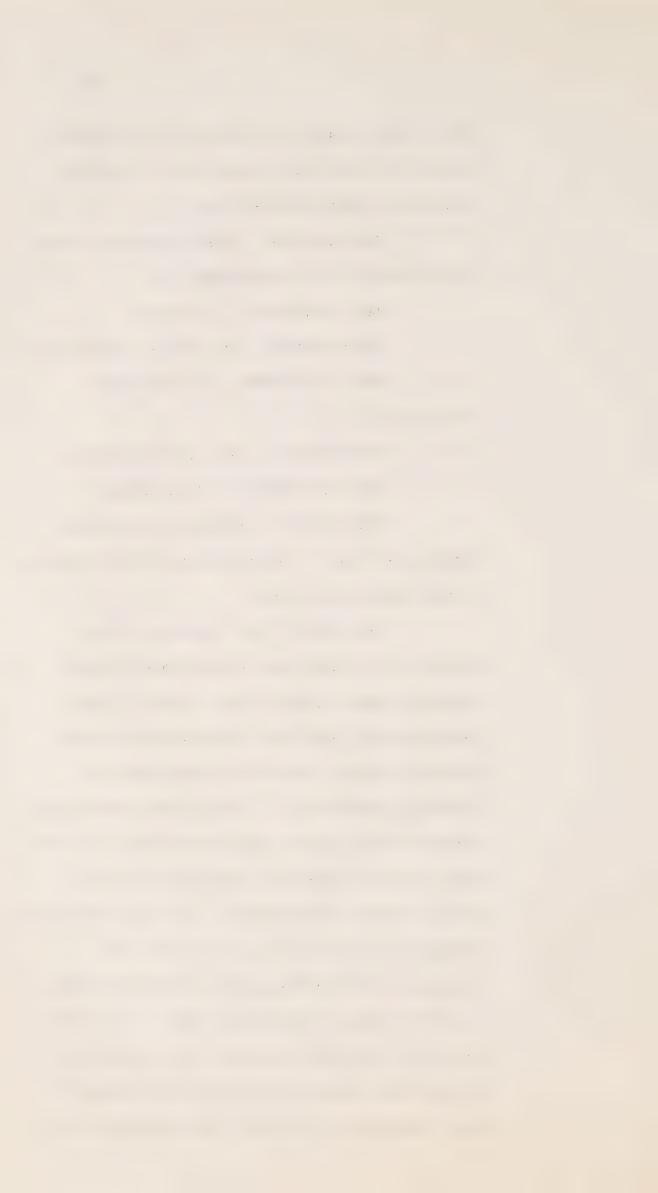
intentioned.

PROF. BRADY: Yes, ill-intentioned.

PROF. CREIGHTON: Misleading.

PROF. BRADY: Probably politically intentional too. He is not politically neutral in any sense of the term.

meetings ago, maybe two meetings ago, Donald
Creighton made a remark that I think is very
relevant here, and that is he implied we were
becoming a Royal Commission rather than an
Advisory Committee. I don't know whether you
remember that, but it seems to me this is a very
subtle change which has come about, in part
because of the publication. We have moved from
being a deliberative body that meets and
exchanges its view frequently, and have become
a sort of public information body. Now, this
is a very different function, and I think it
brings into question whether you can donduct
both functions at the same time satisfactorily.



quite subtle point here, and I thought John's point really implied that the whole is somewhat greater than the parts, and that we take on a corporate image. Notwithstanding the degree of individual differences, I think the thrust of your suggestion, John, was that the representations from individual papers are carried over into an appearance of the whole Committee, so to speak, and this adds up to something more than just individuals with individual public positions.

On the other hand, we continue to advise, and I think if one looks at it simply in this sense, that there is reposing in the files in fact a stockpile of papers of thought, of good work, and at that point let them have a wider audience, does it really strike such a difference in us?

I agree it may in the public mind.

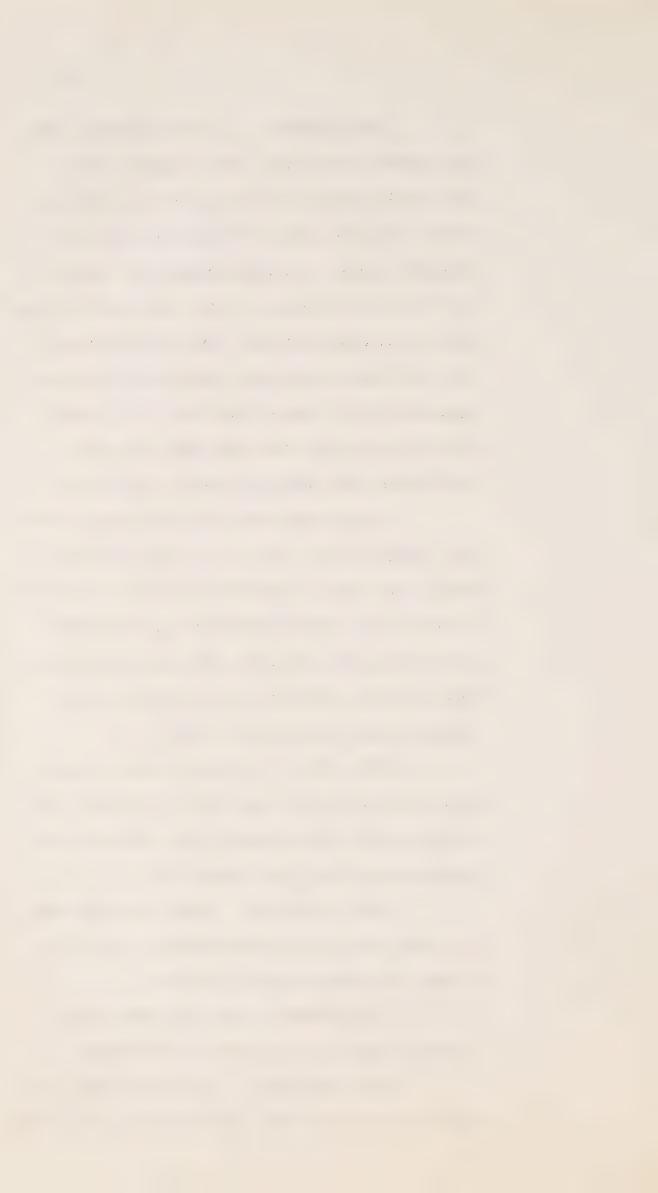
PROF. FOX: I think it may not have any effect on what we have done in the past, but it may have an effect such as John suggests over others who have not been alluded to.

PROF. CREIGHTON: Maybe persuade some of us who have not yet contributed, to hurry up and get our point of view in public.

THE CHAIRMAN: These are good points.

I think we might do a volume in the autumn.

PROF. CREIGHTON: If this is done, one cannot help feeling that one has an eye on a larger



audience than one would have originally intended.

THE CHAIRMAN: On the other hand it might be interesting if we publish a volume which each member was asked to submit a paper called his view of Confederation, and when we put these seventeen different views out it would perhaps both destroy Harold Greer and the incorrect public impression. I certainly take those views under advisement.

MR. PERRY: I think we should point out to Paul, in view of his last statement, that there has been no perceptible decline in the ability of this body to deliberate, as evidenced by the last two days.

PROF. FOX: No, I think it may come,
Harvey, in things that we write for this Committee,
and the picture this makes, I think, will be to
have that larger audience in mind rather than,
say, the point of introducing grades of comment
which may create discussion — which I think
Dr. Brady did in this paper that he prepared;
and that you would approach it quite differently
if you were going to present it to the public at
large as a sort of judicious analysis of the
problem.

MR. PERRY: I do not share this view myself. I do not think we should start thinking of ourselves as being a public body, and if we do we run the risk of some of the research material



being revealed; but surely it should be looked at in the context that it was prepared for the Committee and not for a learned journal, as someone has said.

THE CHAIRMAN: May we move along to the question of Federal Capital District in the light of the complaints expressed in the brief of the Western Quebec Regional Economic Council. We thought that document would be a useful launching pad for our consideration of this question. It was sent out to you along with a précis and commentary prepared in our Federal-Provincial affairs secretariat.

Don, do you or one of the secretariat --MR. STEVENSON: I suppose we could have
one of the boys summarize it, Mr. Chairman,
although I think the questions at the end of the
three pages under the title "Federal Capital
District" might be as useful a focus. Assuming
everyone has read the Western Quebec presentation,
then it might just go into the discussion.

THE CHAIRMAN: Gary did the summary, did he not?

MR. STEVENSON: Right.

THE CHAIRMAN: Would you like to summarize your summary, Gary?

MR. POSEN: The impression I had was that we had an interest group in the Western Quebec area of people who represented the major



economic groups and who were not very happy about getting into a Federal District, because they did not see anything in it for themselves, that they felt they could not get under a National Capital Plan in which they would remain as part of Quebec.

There seemed to be an irrational fear about what would happen to their language, education rights, in a federal district.

There was the matter of pointing to the fact that there was no place else in Canada where this had ever worked, no examples where the majority had given the minority rights; and they feared that whatever rights they now had in language and education would somehow disappear in the federal district over time.

Their suggestion worked out to this, that there be two Commissions, one on the Ontario side and one on the Quebec side, that would co-operate with the Federal Government.

PROF. FOX: Mr. Chairman, I think
there were two points, as Mr. Posen says. There
was the fear on the part of this group of the
loss of their position as a majority group within
Quebec, French-speaking, and either their parity
with English Canadians or minority status in a
new arrangement which would inevitably lead to
probably affairs of business being conducted in
English.



Secondly there was the economic concern about losing an industrial base.

What I thought might be useful would be if we could get from any members of the Committee any information about the persons who made up this Committee. Does this Western Quebec Economic Council represent a certain group of people?

I notice Mr. Martineau is Chairman of the group.

It is not quite clear in the group if that is the committee that provided the report we read.

I would be interested to know who these people are, for whom do they speak, how representative are they?

MR. POSEN: This is the question I did not answer. I think the names are there.

MR. SEGUIN: If you give me one of the books I will tell you who they are. I know them all.

Paul Martineau was a Minister in

Diefenbaker's Cabinet. He is originally from

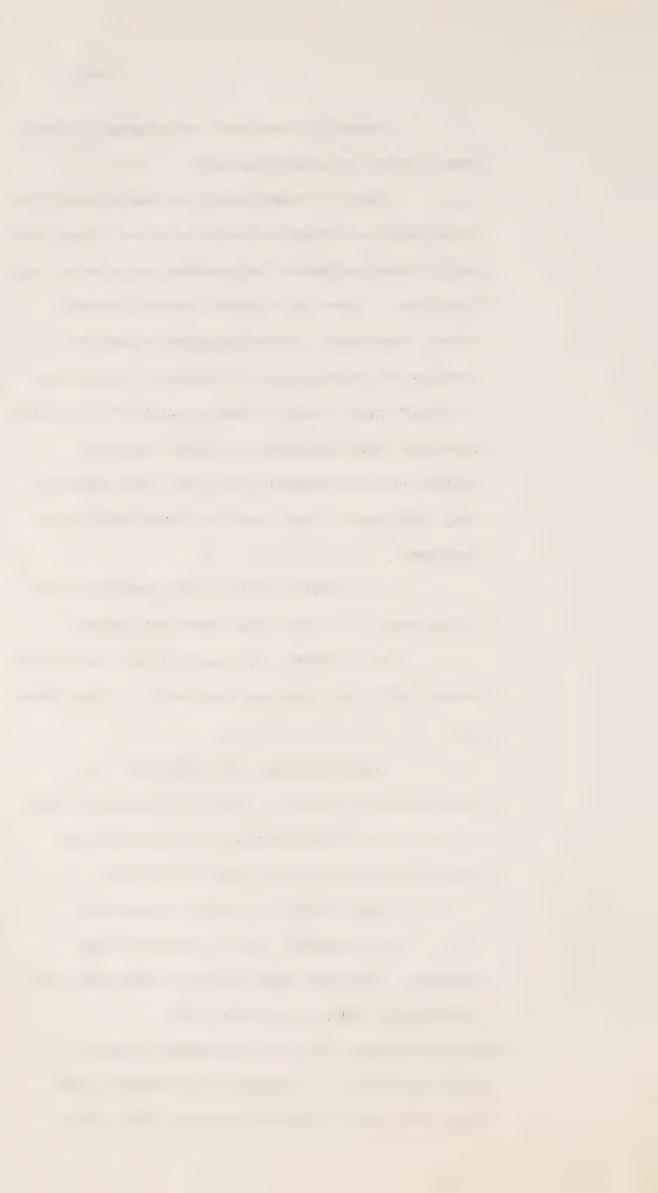
up the river, from Pontiac, but he moved when

he lost his seat to Hull to practice law.

PROF. BRADY: He is a local man?

MR. SEGUIN: He is actually from Pontiac. He just moved to Hull after the last election in order to practice law.

Pie&re DesRosiers, that is the biggest notary's office in Hull. I imagine he represents the views of quite a number of people, many more



than Martineau would.

Victor Falideau is the manager of the largest credit union in the area.

--- The Prime Minister arrived at this point,

and the meeting continued in an off-the-record

session, adjourning for lunch at 12.30 p.m.

and reconvening at 2.00 p.m., at the Westbury

Hotel.

asked me what I had envisaged now. I am torn between two feelings. On the one hand, I think our meeting this morning was very sound and very down-to-earth and very profitable. I think the luncheon has been very pleasant and I do have a feeling, in the theatrical sense, that we hit a high point. On the other hand, I am also aware that people have come from out of town for a two-day meeting, and we should carry on a bit.

The item we began to discuss just before we commenced our meeting with the Prime Minister, was the Capital District question, and I thought we should have some discussion on that now and then perhaps conclude. It is too bad Roget has gone because he was just in the midst of describing the individuals who were party to that study, as I recall.

PROF. MEISEL: I could perhaps say

about these individuals, but I know something about these councils that exist in various regions, and they are usually made up of local Chamber of Commerce chaps. They represent the more well-to-do interests, and they try to have various types of interests represented. I would guess that in most communities there is very little public support. This is the voice of a group of people who have been recruited very often by the provincial Government, trying to foster what they call the amenage sociale, a sort of community development.

I would think that politically the

Quebec Government would pay some attention

to these, but that electorally their voice probably

does not carry very much weight. They do not

represent the voters; they represent the

community power elite particularly, the well-to-do

rather than the down-trodden.

DR. FORSEY: Paul Martineau would carry some weight politically with the Union Nationale people. He has just been put on something, as Chairman of some Royal Commission or other -- I forget what it is.

MR. PERRY: Ian, we are presumably still in the process of studying without trying to drive for a decision this afternoon. What is being done that one knows about particularly in Quebec, the

provincial Government of Quebec? Is there a special exercise going on up there?

PROF. CREIGHTON: About the Capital District?

MR. PERRY: About the Capital District.

members of our secretariat might go to work and try to get some report for us on what is under way, because we have heard reports that there is a Federal Government committee under Mr.McIlraith studying the question from their end. I do not know whether there is a formal group studying it in Quebec, or whether it is one of the items that is before the Quebec Legislative committee.

I do not know if anyone else here knows for certain what is the situation in those jurisdictions, and I think we should find out.

PROF. FOX: I imagine members here saw the piece in the press, as I did this week, that Mr. Johnson now expressed himself as being capable of conceiving of a National Capital rather than being opposed.

THE CHAIRMAN: Yes, I was surprised.

PROF. FOX: I don't know what lies behind this. I just noticed it in the press during the last week.

MR. POSEN: He has several times stated he is in favour of a geographical national capital, but not one in which sovereignty would exchange



hands. In other words, he would almost agree with the principle of a Commission to be set up in the Quebec part of the National Capital which would co-operate with the Federal Government to a high degree, which would make, as he said, Hull a gateway to Quebec worthy of Quebec.

PROF. FOX: So you do not think this press announcement means he has changed his view?

MR. POSEN: No.

PROF. FOX: He has merely expressed it in a different way.

PROF. McWHINNEY: It is an issue hardly touched upon at all in the Quebec press. It is not something students are rioting about or professors losing sleep about.

MR. STEVENSON: I think Mr. Johnson feels he has to make a statement on this whenever he comes to Hull.

PROF. McWHINNEY: He has to make a statement but the burden is discharged when he has made it.

MR. POSEN: The demand from Hull is '
"Get us money. Get it from Quebec City or
get it from Ottawa".

MR. BEER: Their reaction to the increase in the sales tax in Hull was that they werequite opposed to the whole idea, and all the merchants there are accepting the loss



themselves; they are not transferring it to the consumer.

PROF. CREIGHTON: I did not get that point.

MR. BEER: The fact that the sales tax was raised.

PROF. CREIGHTON: The Quebec sales tax.

MR. BEER: The merchants in Hull, rather than trying to pass it on to their shoppers, they absorb it, because they do not want to lose the business to Ottawa. So I think there is a genuine feeling in Hull, as Gary says, that they want money, they want the town to be improved and the area to be improved, and they are getting to the point where a lot of them perhaps are not going to worry so much who it is so long as they get their change.

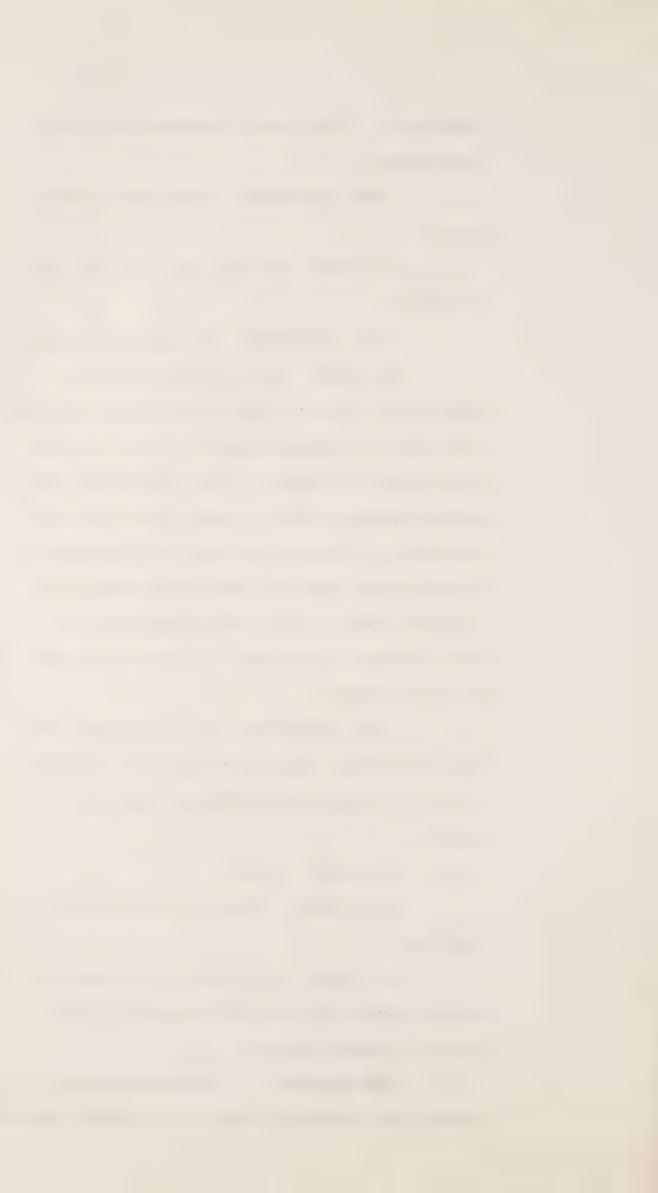
PROF. CREIGHTON: In other words, they think the Federal Government might be a possible source of the kind of improvements that they desire.

MR. BEER: Right.

DR. FORSEY: Take the cash and let the credit go.

MR. BEER: He is not at all sure the people in Hull are necessarily opposed to the idea of a Federal Capital.

THE CHAIRMAN: I was going to ask,
Charles, you remember at the time the Rowat business



was in the newspaper, the Ottawa people expressed themselves in quite clear terms. What kind of reaction did it get in Hull? Was there a formal position expressed then?

MR. BEER: I think, if I recall correctly, this Western Quebec brief came out just shortly thereafter, and that got a great deal of support, but when the initial announcement of the Rowat report was made, for instance, in Le Droit they had front page coverage and it probably covered it more so than in the two Ottawa papers. I do not think we came across letters to the editor or anything that impressed in the newspaper that this was something very important which should be looked at, and it was only later on with the publication of the Western Quebec report that one got a more negative ---

PROF. CREIGHTON: Was there any expression of editorial opinion?

MR. POSEN: It is hard to tell, because Le Droit represents Franco-Ontarians and they are the group that stands to gain more from the Federal Capital District.

THE CHAIRMAN: How?

MR. POSEN: It assures them educational rights.

DR. FORSEY: It is published in Ottawa.

PROF. CREIGHTON: Mr. Seguin says the



opposite, that they are doubtful about the creation of the Capital District.

THE CHAIRMAN: Ottawa Franco-Ontarians?

MR. POSEN: Franco-Ontarians as a whole.

PROF. CREIGHTON: They are opposed he

says.

MR. BEER: He said the big problem as far as Franco-Ontarians are concerned about this support of the National Capital area, is that the Ottawa Franco-Ontarians must also think of the Franco-Ontarians because if they leave ---

PROF. CREIGHTON: It would decapitate them, lose their intellectual leadership.

MR. BEER: But for themselves they recognize that such a situation would automatically give them schools and various other municipal rights that they do not have.

PROF. CREIGHTON: All the same, I gathered the impression he was definitely opposed on balance.

The Mayor of Hull was one who gave a statement. It was one of the most open. One could not approve it until you saw the detailed ---

PROF. BRADY: Isn't that very natural in the sense that he wants in Quebec City and this situation is a good one to exploit?

There was some discussion of establishing a Federal Territory. Let us not



exhibit our hostility at the outset. Let us appear perhaps friendly to the idea, and Quebec may be more conciliatory.

Incidentally, of course, in the final analysis it is Quebec that would decide Hull's municipality and, whatever the opinion is, it does not follow that the Quebec Government necessarily decide favourably to it.

PROF. CREIGHTON: I beg your pardon?

PROF. BRADY: The decision about Hull has to be made, will be made by the Quebec Government.

PROF. CREIGHTON: Sure.

MR. PERRY: The real problem, I think, is that the issue is being discussed in a complete vacuum almost. There has been no specific project put forward.

A lot of the concern about local representation is probably needless, because this could be worked into a Federal Capital scheme. So that everyone is reacting to something which is quite nebulous.

DR. FORSEY: You cannot get out of the head of some Ottawa people that they are bound to be disfranchised. I ran into that the other day, someone having said: "I do not want to lose my vote". I said: "There is no question of that". "Look at Washington"."

MR. MAGONE: That is what Roget said the other day: "I do not want to lose my vote".

PROF. CREIGHTON: He set a good example of this, typically Ottawa as far as that is concerned.

THE CHAIRMAN: If they didn't lose their vote, who would they be voting for?

PROF. McWHINNEY: You have various alternatives. If you adopt, for example, the Australian method, you will be voting for a non-voting member of Parliament. You can give them the vote for the provincial Parliament too. He can be a non-voting member, or you can even make him a voting member of Parliament. There are a number of options.

I take it anything that is done with Ottawa, if it were made a Capital District, would envisage a Commission on the Washington model; and probably, in the light of the fact that the trends in American constitutional laws are to give Washington Federal Capital Territory representation in Congress, the trends are there (they have all the right/representation at a party convention) I take it Ottawa would get a non-voting or a voting member of the Federal House. Certainly if you put a scheme up for a Capital Territory, I think we ought to do that.

DR. FORSEY: There were a number of proposals, I thought, sketched out in the Rowat



report, as I recall it, which would certainly not deprive the people of the district of representation.

I suspect also that in the minds of a good many English-speaking people of the Ottawa district this is condemned from the start as "a concession to those blasted French". This is a sad thing to have to say, but I am afraid there is quite a lot of the old Orange-Ulster approach in the region.

PROF. McWHINNEY: It is clear what constitutional options are open; there are enough precedents. You can do what you want.

It is not a very difficult business to draft whatever is decided upon - Federal Capital District without representation or Federal Capital District with representation. It can be done very easily.

DEAN DILLON: What is the rationale for a non-voting member?

PROF. McWHINNEY: This is the old conviction. It is again a compromise. The Australian system followed the American, and the notion was the Federal Capital District would be occupied largely by civil servants, and they must be politically neutral, but there were never limitations in Washington about not getting/in the schools and the like. They said: "We had to better give them a voice in the House, but/keep

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them neutral we will give them a member who cannot vote".

The experience usually was that they got an independent member, and the independent member was usually intellectually above the calibre of the regular party member, because he was in there usually as a hobby. The first member, I think, was Dr. Thompson who did it as a hobby, and a very good member, but it does not seem to work out because the realities are he is really only exercising an aaverment, much, I suppose as Charlotte Whitton in the national sense used to use heravoine adornment; and unless he is a member of Parliament, he cannot get the concrete advantages unless he is a member of a party, so I suppose you are forced, if you give representation, to be realistic and say almost certainly he will have to be voting, but you can make the halfway house with the non-voting member.

MR. STEVENSON: Mr. Chairman, maybe
we should clarify the reaction of Professor
Rowat to the alternatives that were placed before
him after the last meeting: whether to do a
report on the Committee's suggestions that other
ways of achieving the goals than a National
Capital should provide, through Ontario's own
responsibility, might be followed; or whether
he should study the practices and developments in
other Federal Capitals.



He did reply to us saying that he had got so far along his study of other Federal Capitals at this point, that he would like to continue on that. So that I would gather we can expect some work from him this summer of more detail and the development of other Federal Capitals which might be relevant to the Canadian situation. In addition, of course, ---

PROF. BRADY: Are there any such?

MR. STEVENSON: Maybe not.

PROF. CREIGHTON: Apparently he thinks there are.

MR. MAGONE: Why don't we wait for the report of the B.B. Commission whose real province it is and not ours at the moment; then consider that in relation to the Rowat report and any alternatives there might be. Are we going off half-cock in this thing?

THE CHAIRMAN: I was going to ask how far along we got in the analysis of the material that the B and B have sent us on this subject, or is it illuminating?

MR. STEVENSON: The material the
B and B Commission has sent us in large part
duplicates what we had already known. First,
it was a synopsis of all the briefs that had
been made to the B and B Commission on the subject
of Ottawa and its future; secondly, there was
a short confidential work paper which more or less



laid out the alternatives to this, which do not add too much to the discussion that we have already had in the Committee.

Another thing, of course, that we have had the privilege of receiving the last little while was the paper which Mr. Perry has done for the government of Nigeria, comparing the development of the Federal Capitals in Australia, United States and Canada. I am not sure ---

PROF. McWHINNEY: Is he putting a note on Nigeria too?

PROF. FOX: I didn't know Harvey was working on this.

MR. STEVENSON: This is the paper of 1963 which will be open to the press in the next few days.

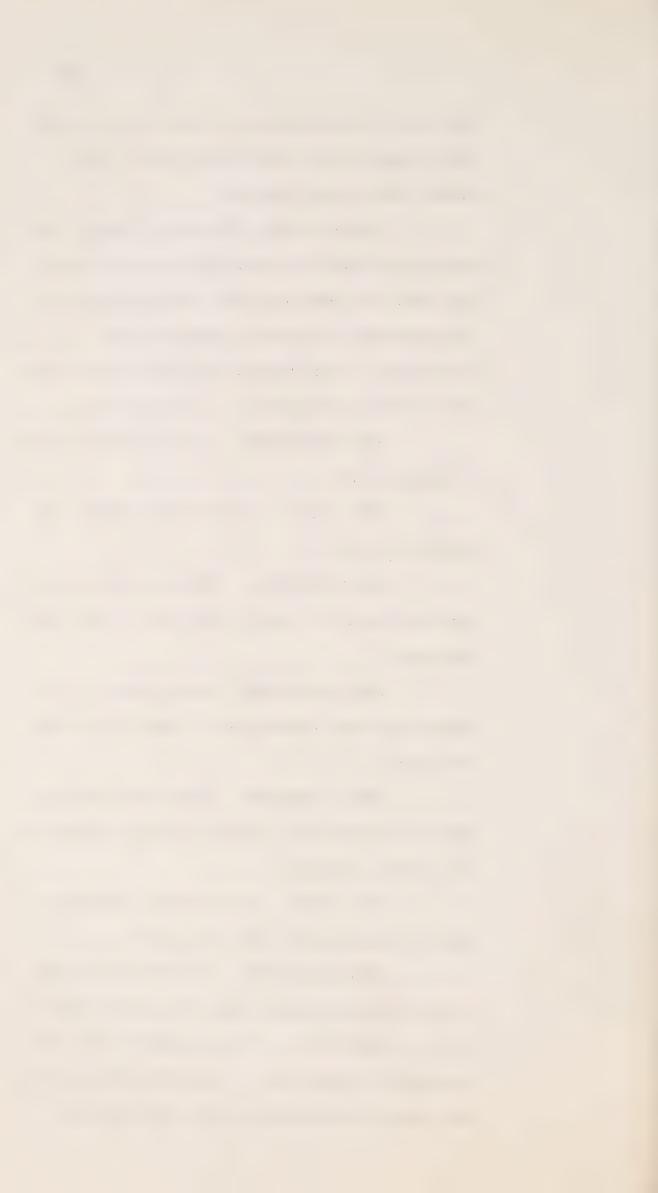
PROF. McWHINNEY: Would you put in a postscript about experience in Lagos in the last few years?

PROF. CREIGHTON: Didn't the B and B agree to provide more detail of their findings on the Capital District?

PROF. FOX: I don't think they have arrived at any, isn't that the point?

PROF. CREIGHTON: We were told surely at the previous meeting that this was the case.

PROF. FOX: I don't think they have arrived at conclusions. My understanding from just casual information is that they have not



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arrived at conclusions.

THE CHAIRMAN: They have sent us what they have, but what they have is not very much.

PROF. CREIGHTON: I thought they spent a great deal of time and a lot of money on investigation of this business of the Capital District, and presumably there must be some result.

MR. STEVENSON: Mr. Chairman, you see, the things we did receive from them were, to repeat, the summary of briefs and the recommendations on the problem, the short working paper, and the third one was an analysis of newspaper comment on the whole problem, which included up-to-date discussion on the Rowat report in the Ottawa and Hull papers. We have not received the kind of thing that Professor Meisel once told us the B and B Commission was doing. We have received nothing of that nature.

DR. FORSEY: It is a case of big offers and small blows, as they say in Ireland.

THE CHAIRMAN: John and Paul, do you have any recent information on the state of the B and B inquiry?

PROF. MEISEL: I do not think I do.

I was talking to Ken McRae two weeks ago, who
is the man responsible for pulling the stuff
together on this bureaucratic side, and he was
working at it now. I know the Commission itself



apparently has not yet faced this question, they have not decided.

PROF. CREIGHTON: They have not yet decided what they are going to propose and recommend about the capital?

PROF. MEISEL: That is right.

DEAN LEDERMAN: Two years and seven million dollars.

MR. PERRY: At the risk of repetition,
I think we can see a way around the local
representation problem. I think our discussion
of yesterday went a long way towards eetting a
pattern for dealing with bilingualism; and if
we were only dealing with the Ontario side of the
river, I would suspect then what we have got
mainly left is how many hundreds of millions one
is going to pour into capital investment in the
interests of establishing a respectable National
Capital. I think we are farther along on
this than we probably realize that we are.

PROF. MEISEL: Mind you, I think there are some ways this kind of thing can be achieved without any extra expense. The Federal Government has been pouring money into setting up buildings which house government departments. With only one exception so far as I know, they have spent all of this on the Ottawa side. There is no reason why that cannot spill over and start locating government offices on the Hull side.

MR. PERRY: If you can find any land that doesn't have a river running through it.

DR. FORSEY: It is a very big and expensive exception, I will say. The last few years the climate in Quebec being as it has been, I should think any prudent Dominion Government would have thought twice before giving large and expensive hostages to fortune.

PROF. MEISEL: They are doing it on a massive scale in Montreal. It is no different.

DR. FORSEY: You mean that Expo thing?

PROF. McWHINNEY: You mean CBC?

PROF. MEISEL: CBC and other things.

DR. FORSEY: Why pour good money after bad, they may be inclined to say.

PROF. BRADY: I think the practical question is what is Ontario going to do about Ottawa?

PROF. MEISEL: That is much more important.

PROF. BRADY: That is the important question, to the Department of Municipal Affairs, I understand, it is an important question; and this same decision must be made about it and I think as a matter of fact what ONtario does about Ottawa is related to this question of what we think ought to be done about Ottawa to make it a more suitable capital that would contribute to the greater cohesion of the Federation.



I am inclined to think really that
we will not get any Federal Territory embracing
territory in the Province of Quebec and in
Ontario, and I do not think it is necessary
really to go on -- certain things that are
significant from the point of view of contributing
to the cohesion of the Federation.

In other words, Ontario has within its power now to do two or three things that would make Ottawa a better capital, greater cohesion in the members of the structure, consolidation or whatever you like to call it, which have been recommended.

The Jones Committee, of course, recommended a scheme that was not attractive to the municipalities concerned. As a matter of fact ,no thoroughgoing measure of consolidation will ever satisfy all the municipalities, any more than municipalities will be satisfied in the neighbourhood of Toronto; but some consolidation of that kind will obviously come, and then the crucial thing is the question of doing something about education and bilingualism in Ottawa - in other words, the problem of setting it up as a bilingual district.

If you accomplish greater consolidation of the municipalities, you would, I think, make it easier to then make arrangements with the



National Capital Commission about planning.

There would have to be negotiations between the Ontario people and Quebec with respect to that.

I think the action taken by Ontario in the municipal field would be one step towards some kind of better working mechanism in Ottawa, and greater co-operation between the Federal Government and Provincial Government there to facilitate planning.

at this - and unfortunately we did not get on to this question with Mr. Palmer yesterday - we really should have a discussion with the Municipal Affairs people on what their plans are or what they are thinking about for the future of Ottawa. It seems to me that we are falling down if we do not make some kind of recommendation to the provincial Government on this question.

MR. PERRY: I think your last comment:

"Are we all persuaded that something special should
be done for Ottawa or in Ottawa or about Ottawa",

I think if we can make up our minds on that and

certainty
thereby arraveeatemoren/than we are in right now.

MR. VENTON: In connection with Mr. Perry's comments on the hundreds of millions of dollars being invested in the area, I think most of the expensive investment in the area is going to take place anywhere there is a National Capital. The extra expense I think that will

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probably occur, if the Capital Territory does come about, through the Federal Government's spending and services which it may generate in the future because of the tax-sharing arrangements - it may wish to spend them in the Capital Territory itself.

I do not think from some of the work

I have done on the economic implications of this,
that that is going to be that costly compared to
the amount of money, for example, the National
Capital Commission has been spending.

DEAN DILLON: I have wondered whether it would be constitutionally possible to declare the twin cities of Ottawa and Hull as the capital. I don't know whether this is possible. It would not cost anything much, and it might lead naturally to the investment of more capital in the form of buildings and so on in Hull.

MR. MAGONE: The B.N.A. Act says that until the Queen otherwise directs, the capital of Canada shall be the City of Ottawa. So that if there is an address to the Queen for the Parliament to do that, it could be done. There is no doubt about that. The suggestion made by Professor Brady sounds very simple, but if you analyze it it is not very simple, to amalgamate the municipalities.

PROF. BRADY: I do not call it simple;
I think it is a line of policy.



MR. MAGONE: The way you put it it sounds very simple, to me.

PROF. BRADY: Sorry, badly expressed.

MR. MAGONE: It is a matter of semantics.

MR. PERRY: I think Alec is suggesting a more rapid solution be found to allay problems plaguing every municipality, if this more rapid solution be found in Ottawa. I think we still have to ask ourselves whether this is a warranted assumption.

PROF. FOX: I wonder if Dr. Brady's point is not well taken, and that a useful next step might be to invite Mr. Palmer or the gentleman who appeared before us very briefly on one occasion previously from the Municipal Affairs Department. I forget his name.

MR. STEVENSON: John Pearson.

PROF. FOX: To come and meet with us again basically on this topic of what their thinking is at the moment on the question of amalgamation, because it is relevant to the whole problem, it is an interesting problem in itself, and at least it is a substantial factual problem that we can come to grips with.

THE CHAIRMAN: I am quite attracted to that suggestion. I haven't thought about this, of course, but one may even go further and ask the Minister of Municipal Affairs to come because



I just do not know whether the Minister or his

Department or the Government has arrived at a

decision and, if so, how much they are prepared

to say, if they were perhaps both there - the

technical people to provide the information and

the Minister to set the tone as to how far they

were prepared to talk. I want to think about

that a bit, but I think some such - getting at

it through that system is the thing.

PROF. FOX: There may be problems here in terms of the amalgamation of the municipalities that we are totally unaware of and haven't even considered yet in our discussions.

THE CHAIRMAN: Yes.

MR. POSEN: Mr. Chairman, I think the
Department of Municipal Affairs is committed to
some sort of amalgamation in the area by looking
back to Mr. Spooner's speech when he was originally
bringing up the suggestion; the one point he
left us was bilingualism. He said this was an
area that we may have to discuss in the future
and decision would have to be taken then. I
think perhaps it is needless to say that the
Committee as a whole play an influence on
the Department of Municipal Affairs.

PROF. CREIGHTON: I wonder if Mr.

Perry can explain to us what appeared to me a

doubt or question about the feasibility of the

proposals which Dr. Brady made.

MR. PERRY: No, I think probably I am on Alec's side, but I incidentally pointed out that this Committee has yet made an overt decision that Ottawa is a special case for which something should be done, on which a recommendation should be made.

PROF. CREIGHTON: That is the doubt to which I referred.

MR. PERRY: The discussion of yesterday, I think, took us quite a long way in settling the issues involved in bilingualism and I must say I do not regard these as subject to much further discussion; but we then move on into what are fairly general problems encountered in nearly every major metropolitan area of Ontario. I have known a good deal of the re-organization of local government and considerable amount of expenditure, and I think we face up to the question as to whether or not there are arguments for bringing these questions to a more rapid resolution that Ottawa is likely to be than anywhere else.

PROF. MEISEL: I don't remember when but some months ago it seems to me we devoted a very long session to this. I think this was before the Rowat report reached us. I have the impression at the time that there was full agreement, not that everyone agreed but a very large majority of the group present agreed that



Ottawa was a special case, and that the reason
we spent so much time on it is the fact that
we thought this. My memory may serve me wrongly,
but it would be very easy to find out what you
do think even by a show of hands.

MR. STEVENSON: Mr. Chairman, just to add to that, on reading the minutes of the meeting two months ago, I think there is no question that the general feeling of the Committee was that some sort of priority should be given to the Ottawa question and in discussion of bilingualism or changes in the municipal structure and all the rest of it.

PROF. McWHINNEY: There is a new factor then, and I do think this was one of those cases where a positive report sometimes leads to unexpected results.

It was a very thorough report. It seemed to me very clear there was a scheme to achieve municipal government reforms under guise of the Capital District Plan, and that the positive advantages seemed somewhat less apparent after his first report and I think this is why we asked him to do further studies.

In other words, if it is a matter of achieving municipal reforms there are obvious alternative ways of doing this, one of which may be by an increased Capital District Plan, but



we want then to decide what your priority is.

PROF. BRADY: I think we have to be realistic here. We are not simply considering Ottawa as the National Capital, although it is very important. We are concerned with it, we are interested in it for the reason I mentioned and I do not need to remind everybody, namely that it is significant in relation to Confederation as a whole.

But Ottawa is going to be a very big city, and it is growing fairly rapidly. There is a multitude of municipalities outside it. There is the provincial hinterland, as it were, which is spreading out in different directions.

Now, Ontario is not going to make a decision, let us say, to cede part of this territory into a Federal Territory if it is going to get into more municipal difficulties rather than out of municipal difficulties.

What I mean is that here is an expanding sort of area. It will be a metropolis in the future. The Government in Ottawa must deal with it and will deal with it, we have to admit, in terms of the kind of development that is occurring. That is why I emphasize the necessity really for consultation with the Department of Municipal Affairs, because they are certain to be doing some thinking about this. It is one of the four or five areas in Ontario where you

get this kind of future metropolis, as it were, in germ.

THE CHAIRMAN: They are committed to doing something there certainly.

PROF. BRADY: They are committed to doing something, and in addition there is this added factor that we are interested in making Ottawa a more desirable capital. I do not like that way of putting it.

PROF. FOX: Isn't that the logical way to proceed? I mean, we really want to get all the information we can here, and it seems to me we have not had the opportunity to talk to these Municipal Affairs officials, and I really think we ought to.

THE CHAIRMAN: I would be quite prepared to attempt arrangements for our next meeting. I think this might well bring the matter to a head.

MR. PERRY: Where does Mr. Cummings come into this? Does he have any particular interest now?

MR. STEVENSON: His title now, Iguess you know, is Special Adviser to the Minister with particular responsibility for the local government studies and the permanent civil servant who has the responsibility for co-ordinating them under Mr. Cummings' general supervision is John Pearson whom we have seen before.



MR. PERRY: One night last Fall in the Chateau I was walking down by a meeting room and a whole herd of people were coming out, amongst whom was my old friend Jim Luther, Treasurer of Ottawa, and Mr. Cummings. This is the time of the excitement of the Rowat report, and Jim came over to me, Cummings with him, and he said: "We have just given the answer to the Rowat report tonight". I noticed from the papers the next morning it was the latest plan for Ottawa as conceived by the Ontario Department of Municipal Affairs. Now, what it was, and why it is in answer to the Rowat report, I am still in doubt about.

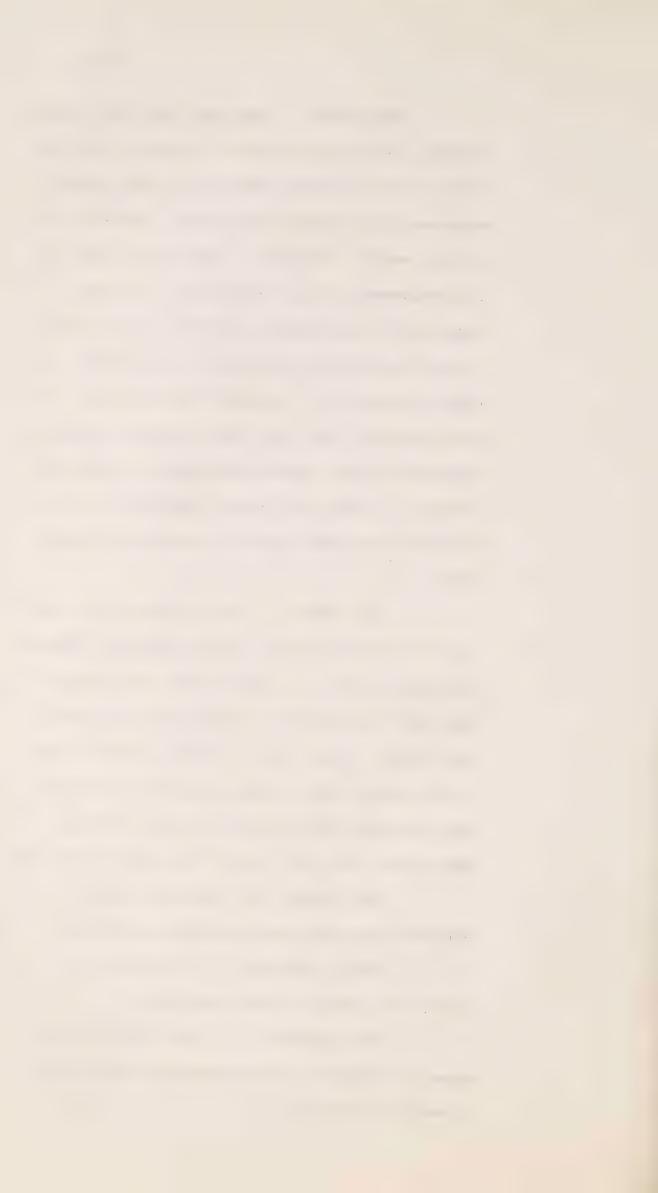
DR. FORSEY: Are we going to try and get more information out of the Municipal Affairs

Department then? I sort of have the feeling that this discussion is beginning to go around and around. This may be merely because I was up late and am very sleepy, but it seems to me every now and then I sort of drowse off and I come to and I am just where I was when I went off.

PROF. FOX: You should be quite comforted that you are not missing anything.

PROF. CREIGHTON: I have not been asleep and I have the same sensation.

THE CHAIRMAN: I take it there is a sense in favour of getting someone over to tell us what is going on.



MR. PERRY: Not including Mr. Cummings,
I gather.

THE CHAIRMAN: I suppose it would not do any harm, since I have never met him, but I have heard his views about me.

DR. FORSEY: Perhaps treatit like the holy water in the opinion of the Son of Freedom who became an orthodox priest, and as he shook the holy water on the congregation he said, "Take it, man. If it doesn't do you any good, it can't possibly do you any harm".

THE CHAIRMAN: The more I think about it, the more I think it is a good idea that we should have him.

 ${\tt PROF. CREIGHTON:} \quad {\tt Move the adjournment.}$

MR. PERRY: Regard me as responsible.

THE CHAIRMAN: I take it we have adjourned.









